UNITED
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Security Council

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S/1995/465
9 June 1995

ORIGINAL: ENGLISH

Draft resolution

The Security Council,

Recalling all its previous resolutions on the situation in Rwanda, in particular its resolution 872 (1993) of 5 October 1993 by which it established the United Nations Assistance Mission for Rwanda (UNAMIR), and its resolutions 912 (1994) of 21 April 1994, 918 (1994) of 17 May 1994, 925 (1994) of 8 June 1994, and 965 (1994) of 30 November 1994, which set out the mandate of UNAMIR,

Having considered the report of the Secretary-General on UNAMIR dated 4 June 1995 (S/1995/457),

Recalling also its resolution 955 (1994) of 8 November 1994 establishing the International Tribunal for Rwanda, and its resolution 978 (1995) of 27 February 1995, concerning the necessity for the arrest of persons suspected of certain offences in Rwanda,

Stressing the importance of achieving genuine reconciliation among all members of Rwandan society within the frame of reference of the Arusha Peace Agreement,

Noting with great concern reports of military preparations and increasing incursions into Rwanda by elements of the former regime and underlining the need for effective measures to ensure that Rwandan nationals currently in neighbouring countries, including those in camps, do not undertake military activities aimed at destabilizing Rwanda or receive arms supplies, in view of the great likelihood that such arms are intended for use within Rwanda,

Underlining the need for increased efforts to assist the Government of Rwanda in the promotion of a climate of stability and trust in order to facilitate the return of Rwandan refugees in neighbouring countries,

Emphasizing the necessity for the accelerated disbursement of international assistance for the rehabilitation and reconstruction of Rwanda,

Calling again upon all States to act in accordance with recommendations adopted by the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, held in Bujumbura in February 1995,

Recognizing the valuable contribution that the human rights officers deployed by the High Commissioner for Human Rights to Rwanda have made towards the improvement of the overall situation,

Acknowledging the responsibility of the Government of Rwanda for the safety and security of all UNAMIR personnel and other international staff serving in the country,

Reaffirming the need for a long-term solution to the refugee and related problems in the Great Lakes States, and welcoming, therefore, the intention of the Secretary-General to appoint a special envoy to carry out consultations on the preparation and convening, at the earliest possible time, of the regional Conference on Security, Stability and Development,

1. Decides to extend the mandate of UNAMIR until 8 December 1995 and authorizes a reduction of the force level to 2,330 troops within three months of the adoption of this resolution and to 1,800 troops within four months;

2. Decides to maintain the current level of military observers and civilian police personnel;

3. Decides, in the light of the current situation in Rwanda, to adjust the mandate of UNAMIR so that UNAMIR will:

(a) Exercise its good offices to help achieve national reconciliation within the frame of reference of the Arusha Peace Agreement;

(b) Assist the Government of Rwanda in facilitating the voluntary and safe return of refugees and their reintegration in their home communities, and, to that end, to support the Government of Rwanda in its ongoing efforts to promote a climate of confidence and trust through the performance of monitoring tasks throughout the country with military and police observers;

(c) Support the provision of humanitarian aid, and of assistance and expertise in engineering, logistics, medical care and demining;

(d) Assist in the training of a national police force;

(e) Contribute to the security in Rwanda of personnel and premises of United Nations agencies, of the International Tribunal for Rwanda, including full-time protection for the Prosecutor's Office, as well as those of human rights officers, and to contribute also to the security of humanitarian agencies in case of need;

4. Affirms that the restrictions imposed under Chapter VII of the Charter of the United Nations by resolution 918 (1994) apply to the sale or supply of arms and matériel specified therein to persons in the States neighbouring

Rwanda, if that sale or supply is for the purpose of the use of such arms or matériel within Rwanda;

5. Calls upon the States neighbouring Rwanda to take steps, with the aim of putting an end to factors contributing to the destabilization of Rwanda, to ensure that such arms and matériel are not transferred to Rwandan camps within their territories;

6. Requests the Secretary-General to consult the Governments of neighbouring countries on the possibility of the deployment of United Nations military observers, and to consult, as a matter of priority, the Government of Zaire on the deployment of observers including in the airfields located in Eastern Zaire, in order to monitor the sale or supply of arms and matériel referred to above; and further requests the Secretary-General to report to the Council on the matter within one month of the adoption of this resolution;

7. Takes note of the cooperation existing between the Government of Rwanda and UNAMIR in the implementation of its mandate and urges the Government of Rwanda and UNAMIR to continue to implement the agreements made between them, in particular the Status of Mission Agreement of 5 November 1993 and any subsequent agreement concluded to replace that Agreement in order to facilitate the implementation of the new mandate;

8. Commends the efforts of States, United Nations agencies and non-governmental organizations which have provided humanitarian assistance to refugees and displaced persons in need, encourages them to continue such assistance, and calls upon the Government of Rwanda to continue to facilitate their delivery and distribution;

9. Calls upon States and donor agencies to fulfil their earlier commitments to give assistance for Rwanda's rehabilitation efforts, to increase such assistance, and in particular to support the early and effective functioning of the International Tribunal and the rehabilitation of the Rwandan judicial system;

10. Encourages the Secretary-General and his Special Representative to continue to coordinate the activities of the United Nations in Rwanda including those of the organizations and agencies active in the humanitarian and developmental field, and of the human rights officers;

11. Requests the Secretary-General to report to the Council by 9 August 1995 and 9 October 1995 on the discharge by UNAMIR of its mandate, the humanitarian situation and progress towards repatriation of refugees;

12. Decides to remain actively seized of the matter.

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REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE REPRESENTATIVE OF CHINA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 28 April 1995 by the Minister for Foreign Affairs of China stating that Mr. Qin Huasun has been appointed representative of China on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.

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REPORT OF THE SECRETARY-GENERAL SUBMITTED PURSUANT TO SECURITY COUNCIL RESOLUTION 994 (1995)

I. INTRODUCTION

1. In paragraph 11 of its resolution 994 (1995) of 17 May 1995, the Security Council requested the Secretary-General to report to the Council on the implementation of the provisions of that resolution, including on the modalities for the implementation of the mandate in Sector West of the United Nations Confidence Restoration Operation in Croatia, which is known as UNCRO.

2. In paragraph 7 of that resolution, the Security Council also requested the Secretary-General, in cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations High Commissioner for Human Rights, the International Committee of the Red Cross (ICRC) and other relevant international humanitarian institutions, to assess the humanitarian situation of the local Serb population in Sector West, including the problem of refugees, and to report thereon as soon as possible.

3. In response to these requests, the present report outlines developments in the UNCRO mission area since 1 May 1995, reports on the implementation of resolution 994 (1995) and on the modalities for the implementation of the UNCRO mandate with particular reference to Sector West and provides an initial assessment of the humanitarian situation of the local Serb population in Sector West, including the problem of refugees.

II. DEVELOPMENTS LEADING TO THE CURRENT SITUATION

4. Following the adoption of resolution 981 (1995) of 31 March 1995, there was a slight reduction in tension between the Croatian Government and Serb local authorities during April, except in the areas along Croatia's border with the western part of Bosnia and Herzegovina. Both sides continued to develop their defensive positions around the zone of separation, causing an increase in the number of violations of the cease-fire agreement of 29 March 1994 (S/1994/367, annex), which at the end of March 1995 had reached a total of 250. Restrictions on the movement of UNCRO continued, particularly in and around Sectors East, West and South. Tension in Sector West increased dramatically when, on

24 April, the Serb authorities closed the highway through the Sector for a 24-hour period in protest over the number of trucks denied passage along the highway by the European Union (EU)/Organization for Security and Cooperation in Europe (OSCE) Sanctions Assistance Mission in Croatia (SAM Croatia) at the Lipovac crossing in Sector East because their passage would have violated the sanctions regime on the Federal Republic of Yugoslavia (Serbia and Montenegro). Potential escalation was averted at the time through negotiations by UNCRO personnel.

5. On 1 May 1995, the Croatian Army and police entered Sector West from both directions on the Zagreb-Belgrade highway with some 2,500 troops, heavy equipment and air support. This operation was initially described by the Croatian Government as a police action intended only to restore security on the highway following the stabbing of a Serb by a Croatian refugee on 28 April, the subsequent retaliatory killing of three Croatian citizens by Serbs and a further alleged attack on a Croat on 30 April. The operation cut off the Serb-controlled part of the Sector from Bosnian Serb-held areas of Bosnia and Herzegovina. In the afternoon of 1 May my Special Representative brought the parties together in Zagreb and presented a proposal for a cease-fire. This was accepted by the Serbs but not by Croatia. President Tudjman declared the operation to be completed on 2 May. Croatian military movements, which continued between 2 and 5 May in the central part of Sector West and against the main Serb town, Okucani, revealed that the intention was to establish complete control over the Sector. As of 2 May, the Croatian Army had essentially secured all militarily important positions. The Krajina Serbs responded by firing missiles on both 2 and 3 May into urban areas of Zagreb and the Pleso airfield and shelling the towns of Karlovac and Sisak.

6. Following intensive negotiations in Knin and Zagreb, an agreement was reached on 3 May on a cessation of hostilities in all areas, including Sector West, and on arrangements to ensure safe passage from Sector West into Bosnian Serb-controlled parts of Bosnia and Herzegovina for those remaining Serb civilians and soldiers (with sidearms only) who wished to leave under UNCRO and UNHCR surveillance. However, at approximately 2 p.m. on 4 May, while UNCRO was attempting to negotiate the implementation of the agreement with some 600 Serb soldiers in Pakrac, the Croatian Army began to shell the Serb-inhabited part of Pakrac in response to alleged attacks on Croatian police and attempts by Serb soldiers to escape. As a result, the Serbs surrendered to the Croatian Army and police, who subsequently began to assemble the remaining Serb inhabitants, separating males and females. Males, mainly of military age but also including some young and very old individuals, were transported to three locations outside the Sector.

7. Tensions between Croatian and Krajina Serb forces in all Sectors rose to an extremely high level. At the same time as the aforementioned operations in Sector West were under way, Croatian forces advanced and took up improved tactical positions in the zone of separation near Osijek in Sector East, Petrinja in Sector North and Gospic and Medak in Sector South. Although these moves were not followed by significant reinforcements, they gave the Croatian forces considerable local tactical advantage, further weakened the integrity of the cease-fire agreement of 29 March 1994 and threatened adjacent United Nations positions. The most significant Serb advance into the zone of separation in

response to the Croatian action was in Sector East. Elsewhere, the Serbs removed heavy weapons from storage sites and impeded United Nations freedom of movement.

8. The efforts of UNCRO to facilitate the voluntary movement of Serb civilians and soldiers and to maintain open communication with the civilian and military leadership on both sides contributed significantly to the avoidance of further retaliatory missile attacks and subsequent escalation. The situation remained tense because of the continued presence of Croatian Army and Krajina Serb forces in and along the zone of separation. Negotiations at all levels were conducted with the Croatian Army to secure the withdrawal of its regular brigades. The present situation in the zone of separation corresponds largely with the situation prior to the 1 May offensive, with both sides continuing to have a presence in the zone.

9. Military successes by the Croatian Army in Sector West seem to have motivated a similar campaign in Sector South, notwithstanding assurances by the Croatian Government that it will not pursue further military objectives. On 4 June, the Croatian Army and Bosnian Croats launched a combined small-scale infantry and artillery attack in the area of Mount Dinara, 20 kilometres south-east of Knin, shelling several villages in the environs. On 6 June, a similar attack was again carried out from the direction of Mount Dinara, resulting in several bouts of shelling, with three rounds impacting inside the Kenyan battalion camp at Civiljane.

III. IMPLEMENTATION OF RESOLUTION 994 (1995)

10. In its resolution 994 (1995) of 17 May 1995 and in the statements of the President of the Security Council of 1 and 4 May 1995 (S/PRST/1995/23 and 26), which were reaffirmed in that resolution, the Council made three principal demands: (a) that the warring parties complete without further delay the withdrawal of all their troops from the zone of separation and that they refrain from taking any further military measures or actions that could lead to the escalation of the situation; (b) that the Government of Croatia respect fully the rights of the Serb population, including their freedom of movement, and access to them by international humanitarian organizations; and (c) that the authority of UNCRO be re-established, that its status and mandate, as well as the safety and security of its personnel, be respected and that necessary arrangements be made in order to ensure its full deployment.

A. Zone of separation

11. Full compliance with the Council's demand that the warring parties complete their withdrawal from the zone of separation has not yet been achieved, although there have been significant efforts to improve compliance. On the Croatian side, severe restrictions of movement limit UNCRO's ability to verify violations. However, as of 8 June 1995, over 578 Croatian soldiers were observed inside the zone of separation or entering it and 16 heavy weapons were observed inside the zone at different times. In addition, 28 heavy weapons were within the 10- and 20-kilometre zones prescribed by the cease-fire agreement.

While the latter number is a major improvement, it is of concern that Croatian troops continue to be deployed in very close proximity to the zone of separation, from where they would be able to reoccupy previous positions quickly. Thus their withdrawal from the zone of separation has largely satisfied the technical demands of the Council but has not gone far enough to reduce tensions and remove the apprehension of the Serb side that further attacks could soon occur. Moreover, the Croatian position is that their forces will withdraw only to the positions they held before the military offensive on 1 May 1995. It should be recalled that the integrity of the cease-fire agreement of 29 March 1994 had already been seriously undermined following the announcement by the Croatian Government on 12 January 1995 that it would no longer consent to UNPROFOR's presence. Thus a return to the positions of 1 May 1995 is not adequate to reduce overall tensions, nor would it constitute full compliance with the Council's demands.

12. On the Serb side, there remains a major presence in the zone of separation, including over 1,723 soldiers and 84 heavy weapons. Over 303 heavy weapons are deployed in contravention of the 10- and 20-kilometre zones. The Serb side maintains that these are defensive deployments only, necessitated by the continued presence of Croatian forces in and near the zone and the prevailing fear of further military action by Croatia. Despite the intensive efforts of my Special Representative and the Force Commander to facilitate a face-to-face meeting between the military commanders of both sides, the Serb side has placed preconditions on such a meeting including that Croat forces withdraw from the Mount Dinara area in Sector South, that all Croatian special police and military forces depart from Sector West and that Serb weapons taken by Croatian forces from the weapons storage points there be returned. The Serb side has also refused the invitation of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia to attend talks in Geneva.

13. In addition to these military actions by both sides, moves by the Krajina Serb leadership to establish a union with the Bosnian Serbs make it difficult to stabilize the military situation. While the unification of two self-proclaimed and unrecognized entities would have no international legal validity, senior Croatian government officials have expressed concern about the effect of such a move on the implementation of the economic agreement of 2 December 1994 (S/1994/1375) and the commencement of political negotiations.

B. Sector West

14. With regard to the human rights of Serbs remaining in Sector West, there has been a steady improvement in the ability of international agencies, including UNCRO, to monitor their condition. During the initial phase of the Croatian military offensive and for several days afterwards, severe restrictions of movement were placed on UNCRO personnel, although some international observers were able to enter areas where Serbs were concentrated. The holding of over 1,400 Serbs, mostly male, in detention centres was generally monitored satisfactorily, as was the release of all but 186 of them, who remain under investigation for alleged war crimes. The Croatian Government has sought to encourage Serbs to remain in the Sector and has issued personal documents,

including citizenship papers and some passports, to those who have applied for them.

15. Despite the evident efforts of the Croatian Government to achieve high standards of respect for the Serbs' human rights in Sector West and to discourage them from moving into Bosnia and Herzegovina, an atmosphere of fear prevails and only a few hundred are likely to choose to stay in the Sector. The Croatian police have reportedly conducted themselves properly and with concern for the remaining Serbs but there continue to be reports of harassment and intimidation, including looting and the burning of houses, when Croatian police are not present. Moreover, there have been considerable delays in the establishment of administrative and institutional mechanisms for reconciliation and confidence restoration in the Sector. The Government's intention to return by September 1995 up to 14,000 Croats who were displaced from the Sector since 1991 has caused anxiety among the remaining Serbs, who fear that the police will not be able to control or prevent local acts of retribution and intimidation by returning Croat displaced persons. Nor does there yet appear to be a concerted government effort to encourage Serbs who have left the area to return, by, for example, unambiguously stating that Serbs, including those who have left since 1 May 1995, are welcome to return and that their property rights remain intact.

C. Restoration of UNCRO's authority and implementation of its mandate

16. The re-establishment of the authority of UNCRO and respect for the safety and security of its personnel have presented different problems on each side. On the Croatian side there is now clear government support for the continuation of the mission. The signing of the long-delayed status-of-forces agreement on 15 May 1995 was a positive step that is expected to reduce obstructions to the functioning of the operation. The Croatian Government has expressed its full support for the deployment of UNCRO and the performance of its functions as outlined in my report to the Council of 18 April 1995 (S/1995/320), has invited the deployment of a large number of UNCRO civilian personnel throughout Sector West to monitor Serbs' human rights and has suggested that UNCRO military personnel should be based in Jasenovac and Stara Gradiska in that Sector for the purposes of monitoring the international border between Croatia and Bosnia and Herzegovina. Croatian authorities have also undertaken to return all United Nations property in their possession and pay reimbursement for equipment and property damaged by Croatian forces in Sector West during their offensive.

17. However, that offensive was a violation of the cease-fire agreement of 29 March 1994. Total restriction of movement was imposed on UNCRO in Sector West for the first seven days of May, which prevented it from fulfilling the role entrusted to it under the cessation-of-hostilities agreement of 3 May 1995. Vehement accusations of partiality were levelled against those personnel who were reporting on human rights at that time. All these actions imply an underlying attitude of cynicism towards the mission, its personnel and its ability to fulfil its mandate. Moreover, the offensive in Sector West, despite the presence of UNCRO personnel and the danger in which the offensive placed them, does not augur well for the mission's ability to deter further resort to military options.

18. On the Serb side, there is continued anger and hostility at UNCRO's inability to prevent the Croatian offensive or fulfil its role under the cessation-of-hostilities agreement of 3 May 1995. In meetings with my Special Representative, Krajina Serb leaders have emphasized that this was the fourth major military offensive by Croatia (following on those at the Milavjeci Plateau in June 1992, around Maslenica in January 1993 and in the Medak pocket in September 1993) since United Nations peace-keeping forces were deployed. They have expressed their mistrust of the Security Council but have affirmed their agreement to the continuation of the United Nations mission on the basis of its original mandate in the United Nations peace-keeping plan for Croatia (S/23280, annex III) and the functions anticipated in the cease-fire agreement of 29 March 1994, which they interpret as meaning the unconditional withdrawal of Croatian forces from Sector West. However, the Krajina Serb "Assembly", in its meeting at Borovo Selo on 20 May 1995, rejected the name of UNCRO, on the grounds that it prejudged a political solution and rejected the parts of resolution 981 (1995) that treat the Serb-held territories as part of Croatia. The "Assembly" expressed its readiness for further cooperation with the United Nations in the search for a peaceful and just solution to the conflict "based on principles of impartiality and equal honouring of the sovereign rights of the Serb nation in the Republic of Serb Krajina".

19. While at the political level the continued presence of the mission is accepted, on the ground there is disappointment among Serb local officials and the Krajina Serb population at large and a resultant lack of cooperation with the mission and its personnel. Of primary concern is the increase in armed hijackings and robbery of UNCRO personnel, particularly unarmed United Nations civilian police (UNCIVPOL). Since 1 May 1995 there have been nearly 40 such incidents and UNCIVPOL personnel have been confined to their quarters by aggressive Serb officials and have had severe restrictions placed upon their movements. While the Krajina Serbs have insisted that UNCRO monitor the situation of the Serbs in Sector West, they have not facilitated UNCRO's task of monitoring the situation of Croats in the Serb-controlled sectors. These deteriorating conditions have applied in all Sectors.

20. In these difficult circumstances, UNCRO's immediate task is to seek to restore stability on the ground and rebuild confidence with the Serb side. Extensive negotiations and other tension-reducing measures will be required for extensive troop redeployments, in accordance with the provisions of the mandate, to be achieved. During this sensitive period, the gradual re-establishment of the cease-fire agreement will be of paramount importance, but UNCRO will also seek to implement all other parts of its mandate as circumstances permit. UNCRO's immediate aim is to re-establish the integrity of the zone of separation, oversee the removal of heavy weapons to the weapons storage sites, maintain and enforce the 10- and 20-kilometre zones and monitor violations. UNCRO will also seek to increase its UNCIVPOL and civilian presence in Sector West, conduct high-visibility patrolling, monitor the protection of human rights and facilitate the movement of refugees. It will, however, fulfil these and other aspects of its mission only with the consent and cooperation of the parties.

21. When feasible, the Force Commander intends to redeploy UNCRO's forces in two phases to achieve mandated force levels and optimal deployment of resources.

The entire redeployment is to be done in a totally transparent manner and will require the parties' full cooperation. It is likely to require most of the mandate period. Reinstatement of the cease-fire agreement of 29 March 1994 and stabilization of the tense situation in the Mount Dinara area of Sector South are the first steps upon which all other aspects of the mandate depend. While UNCRO seeks to achieve these steps, it will also carry out its redeployment and progressively undertake other difficult tasks, such as assisting in border control.

IV. HUMANITARIAN SITUATION IN SECTOR WEST

22. Before 1 May 1995, the Serb population was divided into two parts within Sector West. About 5,000 Serbs lived among 35,000 Croats and 10,000 Czechs and other minorities in the northern part, concentrated in the areas of Pakrac, Daruvar and Grubisno Polje. Between 13,500 and 17,000 Serbs, and about 750 Croats and others, lived in the formerly Serb-controlled part of the Sector, clustered around the settlements of Okucani and Gavrinica. Refugees and displaced persons lived on both sides of the cease-fire line.

23. Until 1 May 1995, the overall human rights and humanitarian condition of the Serbs was fragile but stable. The Croatian military offensive of that day had a major impact on the Serbs in the southern part of the Sector. The Croatian Government has since initiated measures to alleviate its effects. The investigations undertaken by UNCRO reveal that there have been instances of serious violations of human rights; however, these do not appear to have been systematic or part of a larger strategic design. Croatian police have, in general, performed in a professional fashion and the Croatian Government has shown a willingness to cooperate with UNCRO and other United Nations agencies in their efforts to address violations of human rights. However, investigations should continue so that a final assessment can be made of the impact on Serbs' human rights in the Sector during and after the offensive.

A. Human rights

24. Part of the local population was directly affected by the fighting through death, injury or detention. Following a number of attempts to obtain information, my Special Representative wrote to the Croatian Government on 23 May once again requesting information on Serb and Croatian casualties. A comprehensive reply has yet to be received.

25. However, according to information supplied by the Government, 188 dead bodies have been found. Of these, 127 have been identified. According to official Croatian sources, some of the dead are buried near Okucani. An initial investigation by UNCRO military officials found evidence suggestive of recent graves in the Okucani area. However, their contents have yet to be ascertained.

26. On the basis of discussions between UNCRO and the Government and official figures released by the latter, it appears that 1,494 persons were initially detained in violation of the cessation-of-hostilities agreement of 3 May 1995, which provided that the Government would permit all Serbs, who so wished, to

leave the Sector with soldiers being allowed to take their personal sidearms. The detainees were taken to three detention centres in Bjelovar, Pozega and Varazdin. Representatives of UNCRO and other international organizations were able to visit the centres and meet detainees. These visits revealed no reports of unsatisfactory conditions in the centre but they were subject to time limitations and were restricted to selected parts of the centres.

27. The Government informed UNCRO that 186 residual detainees who are being investigated for possible war crimes have now been transferred to prisons in Bjelovar (73), Pozega (45), Osijek (36) and Zagreb (32). Selective access to the prisons has been provided to members of the international community. But international standards are not being observed with respect to the arrest of detainees, their apparent inability to appear before a judge or have access to legal counsel and the requirement that application be made to a judge by those who wish to contact them. In addition, there are reports that 19 persons are being held by the Croatian military in Split. The names of the detainees and the reasons for their detention remain unknown.

28. Interviews of released detainees by CIVPOL monitors, UNCRO staff and staff from other United Nations agencies have produced evidence of mistreatment but without suggesting a pattern of widespread and systematic violations. Beating of detainees appears to have been the commonest form of mistreatment. Rearrests of released detainees have also come to the attention of UNCRO.

29. The number, identities and whereabouts of Serbs who were wounded during the conflict remain unknown. It is also difficult to determine how many persons are missing, in part because lists of casualties have not been made available to UNCRO.

30. UNCRO has cooperated, as appropriate, with other international institutions that are examining the human rights situation in Sector West. Representatives of the International Tribunal for the Former Yugoslavia have visited the Sector to determine if there were any serious violations of international humanitarian law requiring investigation by the Tribunal. These representatives also began their investigation into the missile attacks on Zagreb on 2 and 3 May. In addition, the Special Rapporteur of the United Nations Commission on Human Rights visited the Sector in order to prepare a report, which is expected to be available in the near future.

31. For its part, UNCRO has gathered information on possible human rights violations from statements made by local residents to its own personnel and to representatives of UNHCR and the officers of the Centre for Human Rights of the United Nations Secretariat and from reports by UNCRO military components and humanitarian organizations. On the basis of information received to date, an indeterminate number of civilians are believed to have died on 2 May 1995 in unknown circumstances in the village of Novi Varos. Other types of human rights violations were reported by local residents, including unconfirmed reports of: (a) looting of household items, livestock and vehicles by Croatian army personnel; (b) forced eviction of families from their dwellings; (c) burning or blowing up of scores of abandoned houses in Covac, Gredani, Okucani and Vrbovljani; (d) harassment and intimidation of the local Serb population; and (e) confiscation of personal documents, such as driving licences and car

registration papers. The extent of these violations cannot be ascertained accurately as many individuals are afraid to testify, while others have left the area.

32. Reference has already been made to the severe restrictions of movement imposed by the Croatian authorities on UNCRO and other international agencies throughout areas in Sector West formerly under the control of the Serbs during and after the fighting. This precluded normal patrolling and hindered access to places that may have needed prompt humanitarian assistance and human rights monitoring. Most restrictions of movement have now been lifted.

33. With a few exceptions, no immediate effects of these events have been evident in the northern (Croatian-controlled) part of the Sector. In Daruvar municipality, Orthodox nuns at Sveta Ana monastery reported being intimidated by unknown armed persons in camouflage uniforms, beaten and robbed of cash. UNCIVPOL monitors report that local Croatian police authorities have launched an investigation and have taken steps to protect the monastery. A considerable proportion of the Serb population who lived in the Serb-controlled part of the Sector were originally from the northern part and the surrounding area outside the Sector. Few have returned to those areas.

B. Refugees

34. About 10,000 Serb civilians and military personnel living in areas immediately affected by the fighting crossed the Sava bridge into Bosnia and Herzegovina during the first days of the Croatian offensive. After the cessation-of-hostilities agreement of 3 May 1995, about 4,000 Serbs remained in Gavrinica and surrounding villages and a few around Okucani.

35. In discussions leading to the cessation of hostilities, Krajina Serb authorities demanded the safe departure of remaining Serbs from Sector West. Operation Safe Passage was set up by UNCRO, with the assistance of UNHCR, to provide secure transportation for those Serbs who wished to leave Croatia for parts of Bosnia and Herzegovina under the control of Bosnian Serb forces. Approximately 2,169 Serbs have left Croatia since the Operation began on 9 May 1995. All were interviewed by both Croatian officials and UNHCR prior to their departure. Their right to stay was carefully explained but they all expressed a desire to leave of their own will. The Bosnian Government was informed of the movement of these people, which was conducted for purely humanitarian reasons.

36. On 2 June 1995, as a result of damage to the bridge over the Sava river attributable to an explosion, the cause of which has not been clarified, all convoys have been postponed, and 157 people who were registered for the convoy on 2 June were unable to leave. UNCRO and UNHCR are currently exploring means by which the convoys can be resumed as quickly as possible.

37. At the beginning, concerns were expressed about whether it was reasonable to ask the Serbs to make such an important decision in a short span of time. Once the situation in the Sector had stabilized the frequency of departures was reduced to enable the remaining Serbs to think through their decisions

carefully. As a result, several families changed their minds and a few remain undecided, but the majority appear to have decided to depart. In order to inform Serbs of their right to stay, if they so wish, a programme to visit families and villages has been carried out by UNCRO, in full cooperation with UNHCR. Efforts are also being made by UNCRO to obtain guarantees from the Croatian Government that it will allow those who left in haste to return if they so wish. The Croatian Government has offered assurances that it will do so and some people have expressed to UNHCR an interest in returning. Since many Serbs owned their houses and land in the Sector, the return will depend considerably on securing those assets. Firm assurances have accordingly been sought from the Croatian Government that they will be safeguarded.

38. On 26 May 1995, the Croatian Government issued a statement directed at ethnic Serbs who had been permanent residents of the region in 1991 but had left during the fighting in early May. In addition to announcing that the Croatian authorities were working as quickly as possible to rebuild civilian life within the region, the statement advised Croatian Serbs that they could file requests for their return with the Red Cross, UNHCR and other humanitarian organizations. The statement added that such requests needed to include an explanation, and that they would receive full consideration by "the competent bodies of the Republic of Croatia".

39. Repercussions of the events in Sector West have been felt in Bosnia and Herzegovina, as well as in the other Sectors in Croatia. Sector East has received about 5,000 Serb refugees through Banja Luka and the Federal Republic of Yugoslavia (Serbia and Montenegro) and Sector North has received 500. International agencies are attending to the needs of these refugees.

40. Meanwhile an increase in harassment and intimidation of Croat minorities in the Banja Luka area and Sector South has been reported, despite some local attempts to calm the situation. In Banja Luka, some Catholic churches have been blown up and nuns and priests have been targets of violence, including murder. The United Nations ability to report on such human rights violations in this area continues to be severely limited, particularly following the deterioration of the situation in Bosnia and Herzegovina since the last week of May and the forced departure of the civil affairs officer based in Banja Luka.

C. Humanitarian conditions

41. Following events in Sector West, most Serbs remaining in the Sector expressed fear and uncertainty over their future. Many had left their homes in haste, leaving behind property and possessions. Medical assistance and clothes were their main needs.

42. During this period, the Croatian Government has taken a number of steps to normalize life for Serbs, who are now mainly in the Gavrinica area. Infrastructure improvements have begun and small grants have been given to each family. A bus line and telephone links have started. The Croatian Red Cross has also been active. A registration centre has been opened in Gavrinica to process applications for citizenship. According to the Government, 1,070 requests have been received, 675 citizenship papers have so far been issued and

the remaining requests are being processed. The Government has also stated its wish to promote the participation of local Serbs in the normalization of life in the Sector by establishing civic committees for this purpose. The participation of the United Nations in these committees would also be sought.

43. The international response to events in the Sector has included assistance from United Nations and European agencies, including UNHCR, the United Nations Office at Vienna, the European Community Monitoring Mission, the European Community Task Force and ICRC. Human rights monitoring has been undertaken by UNCRO and the Centre for Human Rights and other organizations. Several international and local non-governmental organizations (NGOs) have begun to work with the Serb population. However, these confidence-building initiatives, along with the support of Croatian authorities, do not appear to have had much effect on the Serbs remaining in the Sector, most of whom still appear determined to leave.

V. OBSERVATIONS

44. In my report to the Security Council of 20 April 1995 (S/1995/320) I noted that the situation on the ground was volatile and that, without the requisite sense of responsibility on the part of all concerned, it could quickly deteriorate further. I noted that the plan for the deployment of UNCRO did not have the formal acceptance and full support of either the Croatian Government or the Serb local authorities but that the alternative to its adoption would be the withdrawal of United Nations forces and the resumption of war.

45. The Croatian military offensive in Sector West on 1 May 1995 provided a bitter example of the consequences that occur when conflicting parties forsake peaceful options and resort to war. The fact that the attack took place despite the presence of United Nations peace-keepers in the Sector underlines the reality that, without the cooperation of the parties, peace-keeping forces cannot keep the peace. While the presence of United Nations forces and negotiators was critical for achieving the cessation-of-hostilities agreement of 3 May 1995, for preventing escalation and for monitoring the subsequent humanitarian and human rights situation of Serbs in the Sector, it was not sufficient to prevent the sequence of events leading to the Croatian offensive nor to forestall the offensive itself.

46. In these circumstances, I have seriously re-examined the role of UNCRO. It will be recalled that the Council approved six principal functions for UNCRO in its resolution 990 (1995). These were: performing fully the functions envisaged in the cease-fire agreement of 29 March 1994; facilitating implementation of the economic agreement of 2 December 1994; facilitating implementation of all relevant Security Council resolutions including the functions identified in paragraph 72 of my report of 22 March 1995 (S/1995/222 and Corr.1); assisting in border control; facilitating the delivery of humanitarian assistance to the Republic of Bosnia and Herzegovina; and monitoring the demilitarization of the Prevlaka peninsula.

47. In meetings with my Special Representative since the military offensive, the leaders of both sides have stated their desire that the peace-keeping

mission should continue, but they have done so mainly for different purposes. The Croatian Government has welcomed the presence of a large number of international observers and monitors in Sector West to attest to its efforts to pursue high standards of respect for the remaining Serbs' human rights. Local Serb authorities have requested a United Nations presence to monitor the latter's situation, to facilitate the voluntary departure of those who wish to leave, to investigate human rights abuses and to press for the withdrawal of Croatian army and police forces from the area. The Serb side has also sought international assistance for over 10,000 refugees and displaced persons who fled from Sector West, but has restricted UNCRO movement in all the Sectors it controls, thus making it impossible for UNCRO to monitor the situation of the remaining Croats. The Croatian Government has expressed its deep concern about the situation of Croat minorities who have remained in the other Sectors as well as in Bosnian Serb-held areas of Bosnia and Herzegovina.

48. Both sides have also sought UNCRO's assistance in restoring the integrity of the cease-fire agreement of 29 March 1994, starting with the full withdrawal of opposing forces from the zone of separation and the withdrawal of heavy weapons to the 10- and 20-kilometre lines specified in the agreement. No progress has been made in facilitating a meeting between military commanders, though this is recognized by both sides to be an essential step to stabilize the tense situation.

49. However, while both sides have, at the central political level, declared their support for UNCRO's mandate with respect to the cease-fire agreement, cooperation on the ground has been unsatisfactory and UNCRO personnel have been put at risk. Both the Croatian Government and the Serb side have exhibited a high degree of cynicism towards their obligations under the agreement. It is vital that both sides reaffirm their commitment to it and their firm intention to cooperate fully with UNCRO in stabilizing the military situation and reducing tension. An essential step for the Serb side is to take firm action to stop the hijacking of United Nations vehicles and the armed robbery and intimidation of UNCRO personnel and to allow full freedom of movement to UNCRO within the Sectors.

50. Of the six principal functions that constitute UNCRO's mandate and despite the operational difficulties outlined in the preceding paragraphs, there appears to be common ground between the parties that the mission should fulfil the tasks arising from the cease-fire and the economic agreements and from its humanitarian and human rights mandates. The re-establishment of confidence-building measures and of cooperation under the economic agreement will be a slow but important process. The tasks associated with border monitoring, which are to be progressively implemented on the ground, will require substantially more time than originally envisaged, given the hostility engendered by the Croatian offensive. No changes are envisaged in UNCRO's functions related to the Prevlaka peninsula and the delivery of humanitarian assistance through Croatian territory to Bosnia and Herzegovina. However, the redeployment of the mission by 30 June 1995, as required under resolution 944 (1995), is no longer possible. Indeed, this redeployment is likely to require the major part of the present mandate period.

51. With regard to the modalities for the implementation of the UNCRO mandate in Sector West, discussions are at an advanced stage with the Croatian Government for the comprehensive deployment throughout the Sector of UNCIVPOL and civil affairs personnel. Their functions would be as set out in paragraph 19 of my report to the Security Council of 20 April 1995 and would include providing assistance to needy individuals and committees in cooperation with international agencies; monitoring the human rights of individuals and communities to ensure that there is no discrimination and that human rights are protected; facilitating the voluntary return of refugees and displaced persons in accordance with international principles and in coordination with UNHCR; and supporting local confidence-building measures between communities. As these will be primarily civilian functions, modifications, within existing resource limits, will be made to the current UNCRO deployment plans.

52. I am aware that many of the remaining Serbs in Sector West are preparing to leave, despite the efforts of the Croatian authorities to persuade them to stay. The individual and collective decisions made by local Serbs about their future in Croatia have been influenced by a number of factors. These include a mistrust of Croatian intentions concerning their welfare, uncertainty about the continuation of a credible international presence in Sector West and further disintegration of their community as a result of the hostilities in early May. For the remaining Serbs in Sector West to contemplate staying in Croatia would require strong guarantees of their civil and political rights, a stake in the economic system and a demonstration by the Croatian authorities that they genuinely desire a multi-ethnic society. Only through purposeful and concerted government policies of reconciliation and confidence restoration will there emerge a realistic prospect for peacefully resolving the present conflict.

53. The parties' requests that UNCRO should stay and complete its deployment are positive developments, but more than words are required to justify the continuation of this expensive and dangerous mission. I therefore intend to monitor closely the continuing level of the parties' cooperation with the UNCRO mission and particularly the extent to which they comply with the cease-fire agreement of 29 March 1994, allow UNCRO full freedom of movement and make serious efforts to protect its personnel from harassment, intimidation and armed attack. UNCRO will coordinate closely with the Croatian Government and with the High Commissioner for Human Rights, as well as with other international organizations and agencies, to ensure full respect for the human rights of the Serb minority in Sector West and to report on the extent to which purposeful policies of reconciliation and confidence-building are being implemented in the Sector.

54. I am conscious that there remain, on both sides, influential elements that continue to be unreconciled to the objectives of the international community and who are inclined to pursue their ends by military means. In this connection, I should like to express grave concern at reports of ongoing joint military manoeuvres by the Croatian Army and Bosnian Croat forces in the area of Mount Dinara adjacent to Sector South, including the shelling of UNCRO positions. My

Special Representative and the personnel, both civilian and military, of UNCRO will remain vigilant in their efforts to fulfil the mandate entrusted to them by the Security Council. Whether they are able to succeed will, however, ultimately depend on the willingness of the parties to settle their differences at the negotiating table rather than on the battlefield.

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Security Council

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S/1995/467/Corr.1
16 June 1995

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL SUBMITTED PURSUANT TO SECURITY COUNCIL RESOLUTION 994 (1995)

Corrigendum

Paragraph 50, line 14

For 944 (1995) read 982 (1995)

95-18076 (E) 160695 170695

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General Assembly
Security Council

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A/49/916
S/1995/468
9 June 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-ninth session
Agenda item 51
QUESTION OF CYPRUS

SECURITY COUNCIL
Fiftieth year

Letter dated 5 June 1995 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a letter, dated 5 June 1995, addressed to you by His Excellency Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the forty-ninth session of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) İnal BATU
Ambassador
Permanent Representative

95-17308 (E) 090695 120695

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ANNEX

Letter dated 5 June 1995 from Mr. Osman Ertuğ
addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 26 May 1995 addressed to you by the Greek Cypriot representative (A/49/905-S/1995/427), which contains allegations regarding "violations of the airspace of the Republic of Cyprus".

In response to these oft-repeated allegations of the Greek Cypriot side, I wish to reiterate, once more, that the airspace over Northern Cyprus is under the control and jurisdiction of the Turkish Republic of Northern Cyprus, and the Greek Cypriot usurpers of the seat of government have no right of say over who will use this airspace and how, with the full knowledge and consent of the State. Complaints such as those contained in the said letter are, therefore, designed purely for propaganda purposes and in order to divert attention from the recent augmentation of the militarization efforts in southern Cyprus and other ominous developments.

Reports from the South indicate that, as part of its continuing build-up of arms and armed forces in the South, the Greek Cypriot administration is purchasing, in the first instance, a total of 156 armoured vehicles, including 50 AMX-30 French-made tanks, from Greece. In the meantime, the first batch of Greek mainland soldiers who will serve in the Greek Cypriot "National Guard" as professionals have arrived in South Cyprus and are reported to be undergoing induction procedures.

As is known, the Greek Cypriot administration is committed to strengthening its armoured units by bringing them to a level that will include 500 tanks over the next few years, as well as raising the active strength of the "National Guard" by 5,000 professional soldiers, mostly from Greece.

At the recent meeting in Athens between the Greek Prime Minister, Mr. Andreas Papandreou, and the Greek Cypriot "National Council", which was held on 4 May 1995, the Greek and Greek Cypriot front has, among other things, re-committed itself to the so-called "joint defence doctrine" as well as joint decision-making on all matters relating to the Cyprus question. This ominous development, which speaks for itself, while confirming the collusion between Greece and South Cyprus as far as the Cyprus issue is concerned, also explains the lack of progress in the current negotiations for a solution in the island.

I shall be grateful if the present letter could be circulated as a document of the forty-ninth session of the General Assembly, under agenda item 51, and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

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Security Council

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GENERAL

S/1995/469
9 June 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 8 JUNE 1995 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that the violations of Iraqi national airspace committed by United States aircraft in order to carry out reconnaissance and cause provocation continued over the period 21-31 May 1995.

21 May 1995

1. Northern region: 25 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Tall Afar and Zakho.

2. Southern region: 57 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Chabaish, Busayyah, Jalibah, Salman and Artawi.

3. On 21 May 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0845 hours and left in the direction of Kuwait at 1040 hours.

The second flight entered Iraqi airspace at 1145 hours and left in the direction of Kuwait at 1340 hours.

22 May 1995

1. Northern region: 13 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Zakho and Amadiyah.

2. Southern region: 34 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Salman, Qurnah, Jalibah, Artawi and Busayyah.

3. At 0815 hours on 22 May 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in the southern region. It left in the direction of Kuwait at 0950 hours.

23 May 1995

1. Northern region: 14 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Tall Afar, Aqrah and Ayn Zalah.

2. Southern region: 28 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Salman, Qurnah, Chabaish, Busayyah and Artawi.

24 May 1995

1. Northern region: 13 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Dohuk, Irbil, Zakho, Tall Afar, Aqrah and Amadiyah.

2. Southern region: 33 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Chabaish, Qurnah, Salman, Busayyah, Jalibah and Artawi.

3. At 1045 hours on 24 May 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in the southern region. It left in the direction of Kuwait at 1215 hours.

25 May 1995

1. Northern region: 12 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Tall Afar and Amadiyah.

2. Southern region: 28 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Salman, Amarah, Qurnah and Jalibah.

26 May 1995

1. Northern region: 13 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Dohuk, Irbil, Tall Afar, Aqrah, Ayn Zalah and Zakho.

2. Southern region: 52 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Chabaish, Shatrah, Rumaythah, Lasaf and Artawi.

3. At 0715 hours on 26 May 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres

violated Iraqi airspace in the southern region. It left in the direction of Kuwait at 0823 hours.

27 May 1995

1. Northern region: 15 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Mosul, Irbil, Dohuk, Tall Afar, Aqrah and Amadiyah.

2. Southern region: 33 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Busayyah, Jalibah, Salman, Chabaish and Artawi.

3. At 0935 hours on 27 May 1995, a United States TR-1 reconnaissance aircraft flying at a speed of 600 kilometres per hour and at an altitude of 20,000 metres violated Iraqi airspace in the southern region. It left in the direction of Kuwait at 1005 hours.

28 May 1995

1. Southern region: 38 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Samawah, Nasiriyah, Salman, Shanafiyah and Busayyah.

2. On 28 May 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0910 hours and left in the direction of Kuwait at 1000 hours.

The second flight entered Iraqi airspace at 1214 hours and left in the direction of Kuwait at 1315 hours.

29 May 1995

1. Southern region: 48 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, the area to the south of Diwaniyah, Qurnah, Shatrah, Hamzah, Salman, Busayyah, Jalibah and Artawi.

2. On 29 May 1995, three United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0950 hours and left in the direction of Kuwait at 1102 hours.

The second flight entered Iraqi airspace at 1008 hours and left in the direction of Kuwait at 1102 hours.

The third flight entered Iraqi airspace at 1243 hours and left in the direction of Kuwait at 1356 hours.

30 May 1995

1. Southern region: 59 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Samawah, Qurnah, Artawi, Jalibah, Shu'aybah and Chabaish.

2. On 30 May 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 1000 hours and left in the direction of Kuwait at 1105 hours.

The second flight entered Iraqi airspace at 1120 hours and left in the direction of Kuwait at 1145 hours.

31 May 1995

1. Southern region: 64 sorties, flown at speeds of 600 to 900 kilometres per hour and at medium altitudes, over Nasiriyah, Salman, Qurnah, Busayyah and Shanafiyah.

2. On 31 May 1995, two United States TR-1 reconnaissance aircraft flying at speeds of 600 kilometres per hour and at altitudes of 20,000 metres violated Iraqi airspace in the southern region, as follows:

The first flight entered Iraqi airspace at 0708 hours and left in the direction of Kuwait at 0825 hours.

The second flight entered Iraqi airspace at 1040 hours and left in the direction of Kuwait at 1202 hours.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Security Council

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S/1995/470
9 June 1995

ORIGINAL: ENGLISH

LETTER DATED 9 JUNE 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the report that I presented to the Security Council on 30 May 1995 concerning the United Nations Protection Force (UNPROFOR) in Bosnia and Herzegovina and options for its future (S/1995/444).

On 7 June 1995, a delegation consisting of civilian and military officials from France, the Netherlands and the United Kingdom of Great Britain and Northern Ireland visited United Nations Headquarters in New York to convey a proposal by the Governments of those countries to provide military reinforcements for UNPROFOR in order to reduce the vulnerability of its personnel and to enhance its capacity to carry out its existing mandate. An agreed summary of the proposal is annexed to the present letter.

If the Security Council decides to accept this proposal it will be necessary for it to authorize an increase in the ceiling for UNPROFOR's strength.

Taking into account all relevant Security Council resolutions, the overall authorized strength of the United Nations Confidence Restoration Force (UNCRO), the United Nations Preventive Deployment Force (UNPREDEP) and UNPROFOR amounted on 1 June 1995 to 44,870 all ranks. The actual current strength of those three forces and of the support elements assigned to United Nations Peace Forces headquarters (UNPF-HQ) amounted on 1 June to only some 40,000 all ranks. However, I have already agreed to the addition of a number of support elements and reinforcements proposed by other troop-contributing Governments to enhance the security of existing units in UNPROFOR. It would thus not be possible to accommodate any of the additional troops proposed by France, the Netherlands and the United Kingdom within the current ceiling.

The troops proposed by those countries to provide UNPF/UNPROFOR with a rapid reaction capability amount to about 15,000, of whom 2,500 are already in theatre. In order therefore to incorporate these additional troops within UNPF/UNPROFOR, the Council would need to increase the authorized troop levels by 12,500. This figure includes the 4,000 troops in the French stand-by brigade but these would not be deployed unless and until their presence in the theatre became necessary.

The proposed reinforcement of UNPROFOR would thus bring the total authorized strength of United Nations Peace Forces in the former Yugoslavia to 57,370 all ranks, made up as follows:

UNPF-HQ .....)	
Theatre support elements .....)	43 530
UNPROFOR .....)	
UNCRO	8 750
UNPREDEP	1 090
Stand-by Force in France	4 000

The proposal put forward by France, the Netherlands and the United Kingdom would address several aspects of the predicament in which UNPROFOR currently finds itself. It would in particular provide the Commander of UNPROFOR with well-armed and mobile forces with which to respond promptly to threats to United Nations personnel. It would thus reduce the risk that increasing casualties and harassment might cause the troop-contributing Governments and the Security Council to consider withdrawal. But, as the Council has recognized, UNPROFOR's ability to carry out the tasks given to it by the Council depends to a very large extent on the readiness of the parties to cooperate with it. This would remain the case. In this connection, the three Governments have made it clear that their intention is that the reinforced UNPROFOR would continue to be a peace-keeping mission.

The proposed reinforcements would not alter the fact that UNPROFOR cannot by itself end the war in Bosnia and Herzegovina. Its role is to create conditions in which progress can be made towards a peaceful settlement, to help implement agreements that are reached and to support efforts to relieve the human suffering created by the war. It is essential, therefore, as is recognized by the three Governments, that the reinforcement of UNPROFOR should be accompanied by a determined effort to revive the peace process. In particular, it remains my view, as stated in paragraph 67 of my report of 30 May 1995, that decisions by the Council on the future of UNPROFOR should be accompanied by a significant new political initiative, possibly in a new format.

In considering whether to recommend to the Security Council that it accept the proposed reinforcement of UNPROFOR, notwithstanding the substantial costs and risks involved, I have had in mind the factors mentioned in the closing paragraphs of my report of 30 May. Firstly, there is the humanitarian imperative. Delivery of relief supplies has for nearly three years been the main focus of United Nations efforts in Bosnia and Herzegovina and a very great deal has been achieved. Secondly, there is the paramount need, repeatedly emphasized by the Council, to ensure the security of United Nations personnel who find themselves, I hope only temporarily, in a hostile environment in Bosnia and Herzegovina. At the same time there is, thirdly, the need to protect the credibility of the Organization and avoid giving it tasks it cannot do or raising expectations that it cannot fulfil.

On balance, and after careful reflection, I believe that the proposed reinforcement of UNPROFOR will enhance the Force's ability to continue its humanitarian efforts, with less danger to its personnel than at present, and it is on this basis that I recommend that the Security Council accept the proposal

put forward by France, the Netherlands and the United Kingdom. I will shortly transmit to the Council preliminary estimates of the cost of implementing the proposal.

I should be grateful if you would bring these matters to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Annex

Proposed rapid reaction force for the United Nations Protection Force

Summary of a proposal by France, the Netherlands and the United Kingdom of Great Britain and Northern Ireland

The following summarizes the principal points that emerged from discussions conducted at United Nations Headquarters in New York on 7 June 1995 on a proposed rapid reaction force (RRF) to be placed at the disposal of the United Nations Peace Forces (UNPF) and the United Nations Protection Force (UNPROFOR).

France, the Netherlands and the United Kingdom of Great Britain and Northern Ireland would provide the following augmentation to the military capabilities of UNPF and UNPROFOR:

(a) A multinational brigade consisting of two battalion groups, one to be provided by the Government of France with an approximate strength of 2,000 and one to be based upon the current UNPROFOR Reserve, with a strength of 2,500, which will consist of a British battalion group, including the recently arrived artillery, aviation and engineer elements from the United Kingdom, as well as a mortar company of marines, including a mortar-locating radar group, provided by the Netherlands. The brigade total will be in the region of 4,500, of whom some 2,500 are already in theatre;

(b) A British airmobile brigade, consisting of two infantry battalions, two aviation regiments, engineers, artillery elements and the necessary logistic support, including 800 temporary personnel, which would produce a total of approximately 6,300;

(c) An additional French brigade, amounting to about 4,000 troops, would be placed on stand-by in France should further reinforcement prove necessary.

Their missions could include: emergency actions/responses to assist isolated or threatened United Nations units; helping redeployment of elements of UNPROFOR; and facilitating freedom of movement where necessary.

The delegations of the three Governments stated that:

(a) The RRF would be an integral part of the existing United Nations peace-keeping operation (UNPF/UNPROFOR);

(b) It would therefore require a Security Council resolution expanding the authorized levels of the Force, and would be financed through normal United Nations peace-keeping assessments;

(c) The RRF would be under the existing United Nations chain of command; it would operate under the operational control of the United Nations military commanders in the theatre, who would continue to be under the overall direction of the Secretary-General and his Special Representative;

(d) The RRF would act in support of UNPROFOR, functioning within its existing mandate;

(e) The RRF would be available to United Nations military commanders for the defence of United Nations personnel; the tasks assigned to it would be determined by the United Nations commanders on the ground;

(f) The RRF would operate under national uniform, under the United Nations flag and insignia but without blue helmets and without painting its vehicles white. It would operate under existing United Nations rules of engagement;

(g) The purposes of the RRF would be to give the commander a capacity between "strong protest and air strikes"; it would increase tactical operational flexibility and would be intended to have a deterrent effect but it would not change the United Nations role to peace-enforcement; the status of UNPROFOR and its impartiality would be unaffected;

(h) All forces could be deployed within 30 days of the necessary Security Council and host country approvals;

(i) The three Governments recognized that the RRF was not a substitute for an energized peace process working towards an overall settlement.

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15 June 1995

ORIGINAL: ENGLISH

LETTER DATED 9 JUNE 1995 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Addendum

1. In reference to my letter dated 9 June 1995 (S/1995/470), I wish to inform the Council that the estimated cost of an increase in the troop level of the United Nations Protection Force (UNPROFOR) by 12,500 contingent personnel is $414.3 million for a 6-month period. This estimate provides also for approximately 35 international civilian staff, 363 locally recruited staff and 406 United Nations Volunteers.

2. As I had indicated, 4,000 troops in the French standby brigade will not be deployed unless and until their presence in the theatre becomes necessary. Taking this into consideration, the estimated cost of the deployment of the first 8,500 contingent personnel and the civilian support staff for the 6-month period would amount to $304.4 million.

3. A breakdown of the estimated financial requirements for the increases is provided by main categories of expenditure, for information purposes, in the annex to the present addendum. Should the Security Council decide to authorize the reinforcement of UNPROFOR with the rapid reaction capability, it would be my recommendation to the General Assembly that the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to the UNPROFOR special account.

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Annex

Cost estimate of the additional costs to the United Nations relating to the proposed activities of UNPROFOR

(Thousands of United States dollars)

		Initial six months		
		Strength 8 500	Strength 4 000	Strength 12 500
1.	Military personnel costs	103 260.1	53 593.0	156 853.1
2.	Civilian personnel costs	7 499.8	-	7 499.8
3.	Premises/accommodation	53 652.8	6 394.8	60 047.6
4.	Infrastructure repairs	1 500.0	-	1 500.0
5.	Transport operations	23 458.7	10 164.1	33 622.8
6.	Air operations	57 108.1	28 800.0	85 908.1
7.	Naval operations	-	-	-
8.	Communications	9 546.2	1 027.3	10 573.5
9.	Other equipment	25 552.5	-	25 552.5
10.	Supplies and services	8 608.9	4 051.2	12 660.1
11.	Election-related supplies and services	-	-	-
12.	Public information programmes	300.0	-	300.0
13.	Training programmes	-	-	-
14.	Mine-clearing programmes	450.0	-	450.0
15.	Assistance for disarmament and demobilization	-	-	-
16.	Air and surface freight	12 512.0	5 888.0	18 400.0
17.	Integrated Management Information System	-	-	-
18.	Support account for peace-keeping operations	411.2	-	411.2
19.	Staff assessment	560.9	-	560.9
	Total	304 421.2	109 918.4	414 339.6

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S/1995/471
8 June 1995

ORIGINAL: ENGLISH

LETTER DATED 30 MAY 1995 FROM THE PRESIDENT OF THE GOVERNING COUNCIL OF THE UNITED NATIONS COMPENSATION COMMISSION ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the information of the Security Council, the following details concerning the seventeenth regular session of the Governing Council of the United Nations Compensation Commission, held at the Palais des Nations in Geneva from 15 to 17 May 1995.

At its fifty-second meeting, the Governing Council heard statements from the representatives of Iraq and Kuwait, which are not members of the Council. It also examined and took note of the reports of Governments on the distribution of payments to claimants (S/AC.26/1995/R.16) pursuant to paragraph 4 of its decision 18 (S/AC.26/Dec.18 (1994)).

At its fifty-third meeting, the Council considered and approved the recommendations made by the Panel of Commissioners concerning the third instalment of individual claims for departure from Iraq and Kuwait (category A claims). The third instalment concerns 132,080 claims submitted by 16 countries totalling US$ 517,650,500, which brings the total of awards issued in that category to 350,000 from 67 countries and international organizations presenting Palestinian claims for a value of $1.3 billion. The texts of the corresponding decision and report (S/AC.26/Dec.29 (1995) and S/AC.26/1995/3) are attached.

The Council also examined the ninth report of the Executive Secretary (S/AC.26/1995/R.17 and Add.1) concerning consolidated claims in category E submitted after the expiration of the filing period, in conformity with article 12, paragraph 2, of the provisional rules for claim procedures (S/24363, annex I). It was decided that, hereafter, except as otherwise provided in decision 12 (S/24611, annex I) or for reasons of civil disorder, the Governing Council would not accept the filing of claims of corporations and other entities in category E and claims of Governments and international organizations in category F after 1 January 1996. Decision S/AC.26/Dec.30 (1995) is attached as annex III.

With regard to claims in categories A, B, C and D submitted after the expiration of the filing period that are affected by decision 23, i.e. after the deadline of 1 January 1995, the Council examined the second report of the

Executive Secretary (S/AC.26/1995/R.18 and Add.1 and 2) and accepted one Canadian claim and the claims from Bangladesh, Jordan, the Syrian Arab Republic and Turkey for which the explanations offered by the Governments met the conditions set by the Council. In this context, the secretariat was asked to write to all Governments that have filed claims in those categories, spelling out the Council's criteria of "strong and compelling reasons" for accepting late submission of claims and indicating that after 1 September 1995 claims that are filed late as a result of delays attributable to the Governments will no longer be considered.

In the discussion of the item on processing and payment of claims, the secretariat provided information on the jurisdictional phase of the Egyptian workers' claims and the programme of work in each of the six categories of claims.

The Committee on Administrative Matters held its fifth meeting on 16 May 1995. At this meeting of the Committee, the representatives of Bangladesh, Egypt and India (not members of the Council) addressed the Committee, emphasizing that payments of the remaining awards approved by the Council in respect of category B claims should be made as soon as possible. They pointed out the highly humanitarian aspect of the issue.

I would like to bring to your attention the fact that, following the issue raised by the above-mentioned Governments, whose claimants are still awaiting compensation in category B claims, and in view of the fact that the sums awarded are only approximately $8.1 million, the Governing Council decided to convene a special session in the middle of the month of July 1995 in order to deal with the matter. Also in this context, an appeal was made to all Governments to make serious efforts to locate and transfer the proceeds from the sale of Iraqi oil and petroleum products that had been exported but not paid for at the time of the invasion of Kuwait as required by Security Council resolution 778 (1994). The issues of the ships seized in the Persian Gulf for violating the United Nations embargo and the non-accountability of the revenues due to the Compensation Fund from the sale of this cargo were also raised.

It was agreed that the next regular session of the Council in 1995 would be held from 9 to 13 October 1995.

May I avail myself of this opportunity to reiterate my concern, which is also that of the members of the Governing Council, about the serious negative implications that the lack of resources to pay compensation awards has on the credibility of the Compensation Commission and ultimately on the whole of the United Nations system. It is the Governing Council's earnest hope that the Security Council will find appropriate solutions to permit the large number of compensation awards already issued to be honoured.

(Signed) Giuseppe BALDOCCI
President

Annex I

Decision 29 concerning the third instalment of claims for departure from Iraq or Kuwait (category A claims) taken by the Governing Council of the United Nations Compensation Commission at its 53rd meeting, held on 17 May 1995 at Geneva*

The Governing Council,

Having received, in accordance with article 37 of the provisional rules for claims procedure, the third report of the Panel of Commissioners appointed to review individual claims for departure from Iraq or Kuwait (category A claims), covering 132,080 individual claims, 1/

1. Approves the recommendations made by the Panel of Commissioners;

2. Accordingly decides, pursuant to article 40 of the rules and subject to paragraph 4 below, to approve the amounts of the recommended awards concerning the 132,080 claims covered in the annex to the report, as follows:

Country	No. of claims recommended for payment	Amount of compensation recommended (US$)
Australia	7	35 000
Bahrain	1	2 500
Egypt	63 064	174 295 500
Federal Republic of Yugoslavia (Serbia and Montenegro)	245	1 016 000
India	4 083	16 173 500
Iran (Islamic Republic of)	9 175	68 089 000
Jordan	19 670	93 155 000
Kuwait	20 739	104 650 500
Pakistan	43	180 500

* Originally issued as document S/AC.26/Dec.29 (1995).

1/ For the text of the report, see annex II. In conformity with the provisions on confidentiality in the provisional rules for claims procedure (arts. 30, para. 1, and 40, para. 5), the table containing the breakdown of the amounts to be paid to each individual claimant will not be made public, but will be provided to the respective Governments and international organizations separately.

Country	No. of claims recommended for payment	Amount of compensation recommended (US$)
Philippines	1 542	6 039 500
Republic of Korea	8	20 000
Russian Federation	19	112 000
Sri Lanka	13 250	52 929 500
Sudan	11	43 500
United States of America	38	168 500
Viet Nam	185	740 000
Total	132 080	517 650 500

3. Reaffirms that, when funds become available, payments shall be made in accordance with decision 17;

4. Notes that, where claimants awarded the higher amounts available under category A are also found to have filed claims in other categories, their awards will be adjusted in accordance with the provisions of decision 21;

5. Recalls that, when payments are made in accordance with decision 17 and pursuant to the terms of decision 18, Governments and appropriate authorities concerned shall distribute amounts received in respect of approved awards within six months of receiving payment and shall, not later than three months after the expiration of this time-limit, provide information on such distribution;

6. Requests the Executive Secretary to provide copies of the report and the annex thereto to the Secretary-General and copies of the report and its annex as well as the tables containing the breakdown of the amounts to be paid to each individual claimant to each respective Government and international organization, and reminds these Governments and international organizations of their obligation to take the appropriate measures to preserve the confidentiality of those tables.

Annex II

Report and recommendations of the Panel of Commissioners concerning the third instalment of claims for departure from Iraq or Kuwait (category A claims)*

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* Originally issued as document S/AC.26/1995/3.

I. INTRODUCTION

1. This third report contains the recommendations to the Governing Council of the Panel of Commissioners appointed to review claims for departure from Iraq or Kuwait (category A claims) concerning the third instalment of claims, (S/AC.26/1991/1) pursuant to article 37 (e) of the provisional rules for claims procedure (S/24363, annex I). Category A claims are among the "most urgent claims" for which the Governing Council decision on criteria for expedited processing of urgent claims has set forth simple and expedited procedures in order to provide prompt compensation in full or substantial interim relief. The present report makes compensation recommendations for the category A claims reviewed in the third instalment of claims submitted to the Panel by the Executive Secretary of the United Nations Compensation Commission. In considering these claims, the Panel has, in accordance with article 31 of the rules, based itself on Security Council resolution 687 (1991), the criteria established by the Governing Council for this category of claims and other pertinent decisions of the Governing Council.

2. As described in the first report (S/1994/1337, annex II), the Panel held three preparatory meetings with the secretariat of the Commission to discuss the methodology and procedures used by the secretariat in the processing of the first instalment of category A claims. The same methodology and procedures have been applied to the second and third instalments of claims. The Panel held one substantive session to review claims in the third instalment from 14 to 16 March 1995.

II. CATEGORY A CLAIMS IN GENERAL

3. Category A claims are claims for departure from Iraq or Kuwait during the period from 2 August 1990 to 2 March 1991. For a more detailed description of the nature of category A claims, the claim form A and the amounts that can be claimed under this category, reference is made to section I of the first report.

III. EVIDENTIARY STANDARD APPLICABLE TO CATEGORY A CLAIMS

4. The evidentiary standard applicable to category A claims is stated in decision 1 and more specifically in article 35 (a) of the rules. As is explained more fully in paragraphs 17 to 21 below, all of the claims in the third instalment were verified to meet this standard by way of computerized matching of the claims in question against an arrival/departure database that was developed from documentary evidence such as arrival/departure records made available by various Governments and international organizations. The Panel therefore was not required to review evidence attached to those claim forms.

IV. METHODOLOGY FOR PROCESSING CATEGORY A CLAIMS

A. Several methods

5. Section III A of the first report sets out the different methods envisaged by the rules for the verification of category A claims, i.e., matching, sampling and additional verification "as circumstances warrant". The computerized matching of the claims against the arrival/departure database has been the methodology relied upon for the verification of claims in the third instalment.

6. A first matching run was performed for all claims that were filed with the Commission before 1 July 1993. A second matching run was subsequently performed for all claims the verification of which had not been attempted in the context of the first instalment, i.e., claims filed later than 1 July 1993 (for the number of claims and the country-wise composition comprising the first instalment, see S/1994/1337, annex III, sect. III.B). Also included in the second matching run were claims that were filed prior to 1 July 1993 but which were affected by technical deficiencies preventing them from being considered for the first instalment, provided that such deficiencies had been remedied in time to permit inclusion in the second matching run. Claims included in the second matching run were verified against two additional sets of arrival/departure records that had not been used in the first run because of technical problems, i.e., those provided by the Governments of the Islamic Republic of Iran and Jordan.

B. Third instalment of category A claims

7. In determining the total number of claims and the country-wise composition comprising the third instalment of category A claims, the Panel applied the general guidelines set forth by the Governing Council for the composition of the several instalments of category A claims, taking into account various considerations such as the total number of claims submitted by different countries, the dates of their submission, the estimate of time it would take to process claims even through expedited procedures, and the estimate of the funds that might be available. The Panel's recommendations, as set out in paragraphs 22 to 25 below, for the payment of claims listed in the summary table (see annex I) are made according to such criteria and procedures as elaborated below.

8. The Panel reviewed and recommends for payment in the third instalment all of the claims that had been successfully verified in the second matching run and had not been included in the second instalment.

9. The number of claims per submitting country that the Panel recommends for payment in the context of this instalment is listed in the second column of the summary table.

V. PROCESSING OF THE THIRD INSTALMENT OF CLAIMS

A. Processing by the secretariat

10. All of the claims contained in the third instalment were subjected to the processes described in section IV A of the first report.

B. Validation

11. As was the case for the claims contained in the first and second instalments, before matching the claims in the third instalment against the arrival/departure database, the claims were passed through a preliminary computerized screening process hereinafter referred to as "validation". The purpose of validation is threefold. First, some aspects of the format of the claims are checked. Second, the Iraqi claimants are separated from the non-Iraqi claimants. Third, the validation programme checks whether there are any duplicate claims in the A claims category.

12. As explained more fully in section IV B 3 of the first report, the Panel instructed the secretariat to analyse further the claims identified and separated as possible duplicates to confirm whether such claims were indeed duplicates. The secretariat is in the process of examining those claims. In view of the considerations outlined in section IV B 3 of the first report, the Panel recommends that Governments keep an accurate record of the persons to whom amounts awarded are paid in order to minimize the risk of multiple recovery on the basis of a duplicate A claim.

C. Other issues

1. Departure date outside the jurisdictional period

13. As in the first and second instalments, claimants in the third instalment who stated in their claim form a date of departure outside the period from 2 August 1990 to 2 March 1991 were deemed by the Panel to have misinterpreted the meaning of the term "date of departure" and, therefore, were not dismissed on the basis of such a date if the claimants in question nevertheless matched against an arrival/departure record establishing departure within the jurisdictional period.

2. Limitations on claiming in more than one category

14. The Governing Council's decision on multi-category claims (S/1994/1337, annex IV, decision 21) establishes that claimants who have selected a higher amount under category A (US$ 4,000 or US$ 8,000) and have also filed a claim in category B, C or D, will be deemed to have selected the corresponding lower amount under category A. With regard to this decision, the Panel, in its second report (S/1995/285, annex II, sect. IV.C.2) had drawn the attention of the Governing Council to the prejudice caused by that decision to the claimants that had submitted category A claims and had abided by the rules, which required them

to agree not to file claims in another category. The Panel had expressed the view that the Governing Council might wish to review that matter and had indicated the lines along which a fair solution could be achieved by an appropriate decision of the Governing Council that would maintain "a just balance between such claimants and those who will benefit from the application of decision 21".

15. The Panel notes that, at its sixteenth session, when approving its second report, the Governing Council, inter alia, stressed that it shared the Commissioners' concern that no claimant who properly followed the Commission's procedures in submitting a category A claim should be prejudiced as a result of the application of decision 21. The Governing Council decided to keep under advisement, and at an appropriate time consider, whether the Commission's procedures for making payments to successful claimants should be implemented as proposed by the Commissioners, i.e., that all successful claimants who had submitted category A claims for higher amounts but had not submitted claims in any other category receive full payment of those amounts, pursuant to the terms of decision 17, before any additional amounts beyond the initial US$ 2,500 are paid to the category A claimants who submitted claims for such higher amounts but had also filed claims in other categories. In considering the matter, the Governing Council would take into account the views of the secretariat regarding this proposal's feasibility and implications.

3. Interest

16. On the basis of the considerations formulated in section IV C 3 of its first report, the Panel reiterates its recommendation that interest should be paid on the awarded amounts in category A claims in accordance with the Governing Council decision on "Awards of Interest" (decision 16). With respect to category A claims, the phrase "the date the loss occurred" in decision 16 should be interpreted to be 2 August 1990.

D. Computerized verification of category A claims in the third instalment

1. Departure from Kuwait and Iraq during the Gulf crisis

17. With regard to the background information on the number of departees and the circumstances of their departure, reference is made to section IV D 1 of the first report.

2. Computerized matching

18. The third instalment of claims was subjected to the same computerized matching process that had been used for the verification of the first and second instalments of category A claims. The goal of this computerized verification process was to determine whether a given claimant appeared in one or more of the records that constitute the arrival/departure database and which the Panel found to establish departure from Kuwait or Iraq during the relevant jurisdictional

period. In order to achieve this goal, the secretariat used the same specially designed software as in the first instalment. The general characteristics of this computerized process and the software supporting it were reviewed by and met the approval of the Panel; they are described in detail in section IV D 4 of the first report.

3. Arrival/departure records

19. The arrival/departure records used by the secretariat for the computerized verification of claims in the third instalment include all those utilized for the verification of claims in the first and second instalments and referred to in section IV D 2 of the first report and section IV D 3 of the second report.

4. Evidentiary value of the various records

20. The evidentiary value of the arrival/departure records provided by a number of Governments and international organizations was determined by the Panel in section IV D 3 of the first report and section IV D 4 of the second report.

21. The Panel thus determined that a claimant who had matched against one or more of these records met the applicable evidentiary requirements and was entitled to compensation.

VI. RECOMMENDED COMPENSATION FOR THE THIRD INSTALMENT OF CATEGORY A CLAIMS

22. Pursuant to article 37 (e) of the rules, the Panel hereby presents its final recommendations on the claims comprising the third instalment of category A claims.

23. Having considered the results of the verification of claims accomplished through computerized matching and further having considered all relevant circumstances and materials available with the Commission, the Panel recommends for payment of compensation 132,080 claims submitted by 16 countries. The total recommended amount of compensation for the third instalment comes to US$ 517,650,500.

24. The Panel records that claims that could not be included in the third instalment owing to such factors as defective format or possible duplication are expected to receive consideration when subsequent instalments are processed.

25. The attached summary table (see annex I) lists on a country-by-country basis the number of claims for which payment is recommended and the total recommended amount of compensation. A table containing the breakdown of the amounts to be paid to each individual claimant will be provided to each respective country.

(Signed) Kamal HOSSAIN
Chairman

(Signed) Matti PELLONPÄÄ
Commissioner

(Signed) Rafael RIVAS-POSADA
Commissioner

Annex III

Decision by the Governing Council not to accept further corporate and government claims after 1 January 1996 taken at its 53rd meeting, held on 17 May 1995 at Geneva*

Hereafter, except as otherwise provided in decision 12 (S/24611, annex I) or for reasons of civil disorder, the Governing Council will not accept the filing of claims of corporations and other entities in category E and claims of Governments and international organizations in category F after 1 January 1996.

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to paragraph 4 of Security Council resolution 968 (1994) of 16 December 1994. It provides an account of the situation in Tajikistan and the activities of my Special Envoy for Tajikistan and the United Nations Mission of Observers in Tajikistan (UNMOT) since my last report of 12 May 1995 (S/1995/390).

II. NEGOTIATING PROCESS

2. Following the high-level consultations between the Government of Tajikistan and the Tajik opposition in Moscow from 19 to 26 April 1995, about which I informed the Council in my previous report, President Emomali Rakhmonov initiated a meeting with the Chairman of the Islamic Revival Movement of Tajikistan, Mr. Abdullo Nuri. President Burhanuddin Rabbani of Afghanistan suggested Kabul as the venue for the meeting, which took place there from 17 to 19 May 1995. In the joint statement, both sides confirmed their readiness to solve the inter-Tajik conflict, to repatriate all the refugees to their places of origin and to stabilize fully the political situation in Tajikistan. They agreed to extend the agreement on a temporary cease-fire and cessation of other hostile acts of 17 September 1994 (the "Tehran Agreement") (S/1994/1102, annex I) for another three months, until 26 August 1995. The two leaders also pledged that the Tajik sides would make every possible effort to resolve the conflict through political means at the negotiating table. In that connection, they agreed that the results of the Kabul summit would be further defined at the fourth round of inter-Tajik talks.

3. The fourth round of talks on national reconciliation took place under United Nations auspices at Almaty from 22 May to 1 June 1995, with the participation of observers from Afghanistan, the Islamic Republic of Iran, Kazakstan, Kyrgyzstan, Pakistan, the Russian Federation, Uzbekistan, the Organization for Security and Cooperation in Europe (OSCE) and the Organization of the Islamic Conference (OIC). At the request of the parties concerned, my Special Envoy, Mr. Ramiro Píriz-Ballón, chaired the talks and made his good

offices available during the negotiations. The delegation of the Government of Tajikistan was led by Mr. Mahmadsaid Ubaidulaev, First Deputy Prime Minister, and the delegation of the Tajik opposition by Mr. Akbar Turajonzodah, First Deputy Chairman of the Islamic Revival Movement of Tajikistan.

4. In accordance with the agenda agreed upon during the high-level consultations in Moscow in April 1995 and with a view to reaching peaceful national reconciliation, the parties had, for the first time, an in-depth discussion of fundamental institutional issues and the consolidation of the statehood of Tajikistan, as set forth during the first round of talks in Moscow in April 1994.

5. The delegation of the Tajik opposition suggested the establishment of a Council of National Accord as a supreme legislative and executive body for the transitional period (up to two years) on the basis of parity, with representatives of the current Government and the opposition each having 40 per cent of the seats and representatives from ethnic minorities the remaining 20 per cent. The Council would be responsible for drafting amendments to the current constitution and other legislative acts for the transitional period. It would also prepare and hold elections to a new parliament. The Tajik opposition delegation stated its readiness to recognize the current President of Tajikistan, Mr. Emomali Rakhmonov, as long as he agreed to the establishment of a Council of National Accord on those lines.

6. The delegation of the Government suggested the discussion of issues related to the permanent cessation of hostilities, repatriation of refugees, simultaneous release of detainees and prisoners of war, activities of political parties and movements and the mass media, and adoption of an amnesty decree. In that context, the Government's representatives stated their readiness to allow free activities by political parties and movements and the mass media, as well as to declare an amnesty for opposition supporters. In addition, President Rakhmonov, in a letter to me dated 24 May 1995, expressed readiness to consider the integration of the armed opposition units into the appropriate military structures of Tajikistan and the recruitment of competent opposition representatives to appropriate executive posts in the Government.

7. The parties also discussed a number of compromise proposals presented by my Special Envoy. However, the parties were not able to reach mutually acceptable decisions on these complex issues. At the same time, they confirmed their commitment to look for practical solutions in the future.

8. As a result of the fourth round of inter-Tajik talks, the two sides adopted a joint statement (S/1995/460, annex). The main agreements reached at Almaty can be summarized as follows:

(a) The delegations welcomed the decision of the Kabul summit to extend the Tehran Agreement until 26 August 1995;

(b) With a view to strengthening confidence-building measures, the two sides agreed to exchange an equal number of detainees and prisoners of war by 20 July 1995 and to ensure unobstructed access of representatives of the

International Committee of the Red Cross (ICRC) and members of the Joint Commission to places where detainees and prisoners of war were being held;

(c) The parties agreed to step up their efforts to ensure the voluntary, safe and dignified return of all refugees and internally displaced persons to their places of permanent residence and adopted concrete measures to that end;

(d) The delegation of the Government of Tajikistan agreed, based on humanitarian considerations, to take the necessary measures to suspend, for the duration of the inter-Tajik talks, the death sentences of opposition members and subsequently to review those sentences;

(e) Finally, the two parties requested my Special Envoy to continue his good offices in the search for a peaceful solution to the conflict.

III. MAINTENANCE OF THE CEASE-FIRE AND ACTIVITIES OF THE UNITED NATIONS MISSION OF OBSERVERS IN TAJIKISTAN

9. Following a number of serious incidents reported in my last report, the situation in Tajikistan has remained relatively calm, although tensions continued to be high in areas along the Tajik-Afghan border.

10. During the period since my last report, UNMOT carried out 17 investigations, either independently or together with the Joint Commission. As has previously been the case, many of the incidents were such that it could not be determined whether they were hostilities between the Government and the opposition or actions in a different context.

11. UNMOT confirmed one violation of the Tehran Agreement during the period under review: on 13 May, a Special Operations Regiment of the Government entered the village of Khakimu, near Komsomolabad (south of Garm), and began shooting at the local population, causing the death of one person and injuring two others, including a child. This followed an attack on a defence post of the Special Operations Regiment in the village of Chorsada, near Khakimu, on the same day, allegedly by members of the opposition. Five members of the Special Operations Regiment were killed in that attack. UNMOT confirmed the attack on the post in Chorsada, but could not verify that the perpetrators belonged to the opposition.

12. The Russian border forces continue to report infiltration attempts across the border by the members of the opposition in the Pyanj and Moskovskiy areas, as well as attacks by rocket launchers on their posts from Afghan territory. The border forces continue to respond to the infiltration attempts by shelling across the border.

13. UNMOT confirmed that on 2 May helicopters belonging to the Russian border forces attacked Panshambe-Obod village at Vanj, in Gorno-Badakshan. The extent of casualties and damage has not been determined.

14. On 20 May, four or five helicopters bombed the village of Maimai, in northern Afghanistan, across the border from Kalaikhumb, causing up to 20 civilian casualties. The attack was observed by the Tajik Armed Forces. UNMOT confirmed it but was unable to verify its source. The village chief of Maimai claimed that the helicopters belonged to the Russian border forces. UNMOT established contact with the Commander of the Russian border forces, but he denied responsibility.

15. On the occasion of a visit to Gorno-Badakshan by the Aga Khan, UNMOT observed good cooperation at the field level between the Russian border forces and the opposition. This contributed significantly to defusing tensions in the area.

Joint Commission

16. Despite confirmation by the parties during the high-level Moscow talks in April 1995 of their commitment to provide material support to the Joint Commission, the support envisaged for the Commission in the protocol to the Tehran Agreement remains inadequate. At present, the members of the Joint Commission depend entirely on the Trust Fund established to support its activities. Since the commitments by the United Kingdom of Great Britain and Northern Ireland and the United States of America, no further pledges have been made towards the voluntary fund.

17. The Joint Commission has so far concentrated on monitoring and investigating cease-fire violations and has not assumed the political responsibilities envisaged in the Protocol to the Tehran Agreement. UNMOT continues to assist the Joint Commission in its work, including the drafting of rules of procedure to facilitate its meetings.

Liaison

18. UNMOT continued to maintain close liaison with the parties. The radio link with the opposition's headquarters in Taloqan in northern Afghanistan remains the sole means of communication with the opposition leadership. In view of the incidents that took place in April and also of the revised text of the Tehran Agreement, UNMOT has proposed the deployment of a team to Taloqan to allow for more direct liaison with the opposition and to establish a base for conducting investigations in northern Afghanistan.

19. UNMOT also maintained close liaison with the Peace-keeping Force of the Commonwealth of Independent States (CIS) and the Russian border forces on matters relating to the maintenance of the cease-fire. It provided its good offices to the Russian border forces and the opposition to avert clashes. In one instance, the Russian border forces requested the Mission's good offices to secure safe passage for one of their convoys. The convoy, however, moved ahead without waiting for UNMOT confirmation that passage was assured. This put the United Nations personnel at unnecessary risk. UNMOT informed the Russian border forces that it could not act on such requests without the assurance that all concerned would follow certain procedures.

Organizational aspects

20. As at 1 June 1995, UNMOT personnel numbered 72 overall, including 39 military observers from Austria (5), Bangladesh (7), Bulgaria (4), Denmark (4), Hungary (1), Jordan (5), Poland (2), Switzerland (3), Ukraine (3) and Uruguay (5), and 33 civilian staff. Mr. Darko Silovic continued as Head of Mission. Brigadier-General Hasan Abaza (Jordan) continued as Chief Military Observer. In addition to its headquarters in Dushanbe, UNMOT maintained field stations in Garm, Kalaikhumb, Khorog, Kurgan-Tube, Moskovskiy and Pyanj (see map to be issued as an addendum). UNMOT received a contribution in kind in the form of medical supplies from the Government of Switzerland.

Financial aspects

21. The General Assembly, in its resolution 49/240 of 31 March 1995, decided to appropriate the amount of $10,044,200 gross ($9,547,000 net) for the continued operation of the Mission for the period from 27 April 1995 to 30 June 1996, to be assessed at the rate of $717,400 gross ($681,900 net) per month, subject to the decision of the Security Council to extend the mandate of the Mission beyond the period authorized by it in its resolution 968 (1994). Therefore, should the Council decide to extend the mandate of UNMOT for a period of six months, as I recommend in paragraph 26 below, the costs for maintaining the operation would be $4,304,400 gross ($4,091,400 net).

22. As at 31 May 1995, the total of outstanding assessed contributions to the UNMOT special account was $2.2 million, which represents some 70 per cent of the assessment for the Mission since its inception. The outstanding assessed contributions for all peace-keeping operations totalled $1.9 billion.

IV. OBSERVATIONS

23. The results of the meeting between President Rakhmonov and Mr. Nuri in Kabul and the fourth round of inter-Tajik negotiations at Almaty are a small but positive step towards national reconciliation and the restoration of peace in the country. I should like to express my appreciation for the important role played by the observer countries and international organizations during the fourth round of inter-Tajik talks at Almaty and the Kabul summit, and in particular to President Nursultan A. Nazarbaev of Kazakstan and President Burhanuddin Rabbani of Afghanistan.

24. Nevertheless, little progress has been made in addressing the fundamental political results during the 14 months since the first round of inter-Tajik talks in April 1994. The situation in Tajikstan and on its borders with Afghanistan remains tense and the deepening economic crisis continues to have a negative impact on the attempts to achieve political stability in the country.

25. No time should be lost therefore in advancing the process of national reconciliation in Tajikistan. I have accordingly instructed my Special Envoy to explore with the two Tajik sides and the observer countries ways to achieve better progress on the fundamental political and institutional issues. In that

connection, I appeal to President Rakhmonov and Mr. Nuri to continue their direct dialogue, which will be an essential means of building mutual confidence and advancing a comprehensive political solution.

26. Meanwhile, UNMOT has been recognized by the Tajik parties as playing an instrumental role in containing the conflict. I believe that the United Nations should respond positively to their request for assistance in the implementation of the cease-fire. Accordingly, I recommend that the Security Council extend the mandate of UNMOT for another six months, until 16 December 1995.

27. For the reasons stated earlier, I consider the stationing of an UNMOT team in northern Afghanistan to be important, subject to the agreement of Afghan authorities, and I recommend that the Security Council approve this proposal in principle.

28. I hope that the successful implementation of the confidence-building measures adopted during the fourth round of inter-Tajik talks will create the conditions necessary for substantive progress on political and institutional issues. In that regard, I would like to emphasize that the primary responsibility for resolving their differences rests with the Tajik parties themselves. The continued involvement and presence of the United Nations in Tajikistan depends on the manner in which the parties discharge that responsibility.

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12 June 1995

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AND SPANISH ONLY

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

Corrigendum

Paragraph 24, second line

For results read issues

95-17503 (E) 120695 130695

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REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

Addendum

Map of deployment of the United Nations Mission of Observers in Tajikistan

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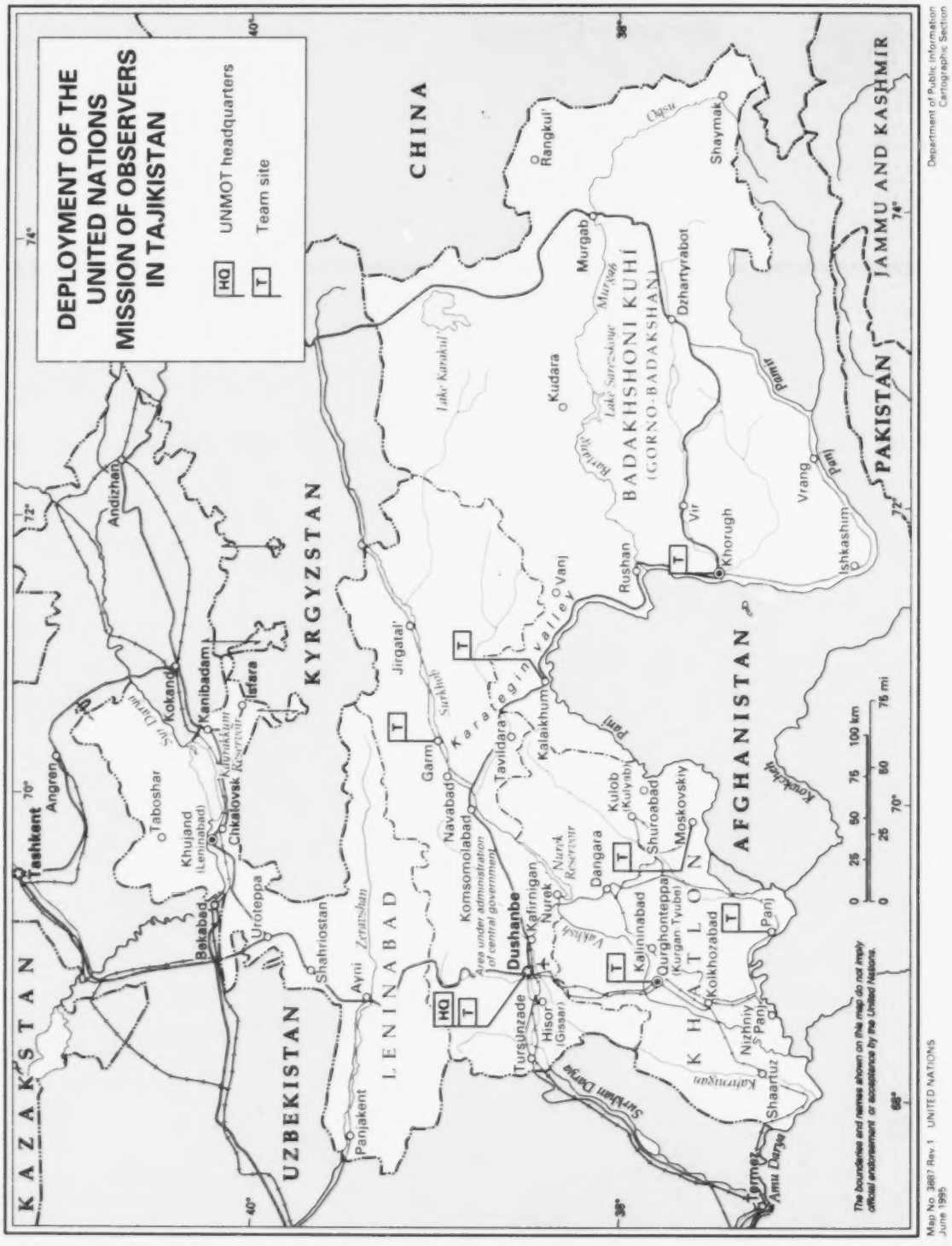
DEPLOYMENT OF THE UNITED NATIONS MISSION OF OBSERVERS IN TAJIKISTAN
HQ UNMOT headquarters
T Team site
KAZAKSTAN
UZBEKISTAN
KYRGYZSTAN
CHINA
AFGHANISTAN
PAKISTAN
JAMMU AND KASHMIR
LENINABAD
KHATLON
BADAKHSHONI KUHI (GORNO-BADAKHSHAN)
Tashkent
Angren
Andizhan
Kokand
Kanibadam
Isfara
Taboshar
Khujand (Leninabad)
Chkalovsk
Bekabad
Uroteppa
Shahristan
Ayni
Panjakent
Jirgatal'
Garm
Navabad
Komsomolabad
Tavildara
Kalaikhum
Vanj
Dushanbe
Kafirnigan
Nurek
Dangara
Kulob (Kulyab)
Shuroabad
Moskovskiy
Kalininabad
Qurghonteppa (Kurgan Tyube)
Koikhozabad
Panj
Nizhniy Panj
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The boundaries and names shown on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 3687 Rev. 1 UNITED NATIONS
June 1995
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Cartographic Section

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Security Council

Distr.
GENERAL

S/1995/473
10 June 1995

ORIGINAL: ENGLISH

ELEVENTH PROGRESS REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN LIBERIA

I. INTRODUCTION

1. The present report is submitted in pursuance of Security Council resolution 985 (1995) of 13 April 1995, by which the Council extended the mandate of the United Nations Observer Mission in Liberia (UNOMIL) until 30 June 1995.

2. In that resolution, the Security Council requested me to report by 15 June on the situation in Liberia, including whether there was an effective cease-fire and whether UNOMIL could carry out its mandate, and on the status of contributions of financial and logistical resources from the international community in support of the troops participating in the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG). The Council noted that it would consider the future of UNOMIL in the light of my report. In this connection, it should be recalled that, in my report of 24 February 1995 (S/1995/158), I presented a number of options regarding the future role of the United Nations in Liberia. The present report covers the main developments since my tenth progress report, of 10 April 1995 (S/1995/279).

II. POLITICAL ASPECTS

A. Preparations for the summit of the Economic Community of West African States

3. In its resolution 985 (1995), the Security Council, inter alia, urged the Liberian parties to implement the Akosombo agreement (S/1994/1174, annex) and Accra agreement (S/1995/7, annexes I and II) by re-establishing an effective cease-fire, promptly installing the Council of State and taking concrete steps towards the implementation of the other provisions of the agreements. The Council also encouraged ECOWAS member States to continue to do everything in their power to facilitate a political settlement in Liberia and, in this regard, welcomed the decision of ECOWAS to hold a summit of heads of State and Government.

4. During the reporting period, the Liberian National Transitional Government, the Transitional Legislative Assembly and the Liberian National Conference all formulated proposals for consideration by the ECOWAS facilitators and the Liberian factions. The Transitional Government stressed the primary role of a permanent cease-fire and disarmament in the peace process. It supported the view that the Council of State should be made up of five members, with executive power vested in its Chairman who would be assisted by one Vice-Chairman elected by and from the membership of the Council. It maintained that the Council's membership should not include the Armed Forces of Liberia (AFL) since it considered it to be a national army. The Transitional Government also called for the establishment of a war crimes commission.

5. The Transitional Legislative Assembly, for its part, recommended that the Council of State should comprise six members and that the original signatories to the Akosombo and Accra agreements should be granted veto power. It also called on ECOWAS member States to harmonize their policies towards Liberia. As for the Liberation National Conference, it adopted a resolution on the peace process that reaffirmed the Akosombo and Accra agreements and called for a six-member Council of State in which both civilian parties and the warring factions would participate. In addition, it requested ECOWAS to enforce the cease-fire. In its resolution, the Liberian National Conference put the factions on notice that it would become the "central force" in establishing peace if they did not begin to implement their agreements within 14 days after the ECOWAS Summit.

B. Summit of the Economic Community of West African States

6. Following extensive consultations between the Chairman of ECOWAS and the West African Heads of State and several contacts between the Chairman and myself, the Third Meeting of Heads of State and Government of the ECOWAS Committee of Nine on Liberia was held at Abuja, from 17 to 20 May 1995. The Heads of State of Côte d'Ivoire, the Gambia, Ghana, Liberia, Mali, Nigeria, Sierra Leone and Togo attended the meeting. Burkina Faso and Guinea were represented by their Foreign Ministers. The Senior Minister at the Presidency for Governmental Affairs and National Defence of Benin and the Minister of African Economic Integration of Senegal also attended. My Special Envoy, Mr. Vladimir Petrovsky, and my Special Representative for Liberia, Mr. Anthony Nyakyi, were also present, as were the Eminent Person for Liberia of the Organization of African Unity (OAU), Reverend Canaan Banana, and the Special Envoy for Liberia of the United States of America, Mr. Dane Smith.

7. Delegations were sent by the following Liberian parties: AFL; the Lofa Defense Force (LDF); the Liberia National Conference; the Liberian Peace Council (LPC); the National Patriotic Front of Liberia (NPFL); the Central Revolutionary Council of the National Patriotic Front of Liberia (CRC-NPFL); Alhaji Kromah's wing of the United Liberation Movement of Liberia for Democracy (ULIMO-K); and General Roosevelt Johnson's wing of ULIMO (ULIMO-J). Mr. David Kpomakpor, the current Chairman of the Council of State, participated in the meeting. Delegations of all the Liberian factions except NPFL were headed by their respective leaders.

8. The summit meeting was preceded by a meeting, on 15 May, of ECOWAS Foreign Ministers. The Foreign Ministers reviewed the situation in Liberia and the progress that had been made during the Accra consultations in January 1995. They recommended that the Council of State should be made up of six members, with Chief Tamba Tailor as its chairman, and that each group should designate its own representative to the Council. They did not, however, reach consensus on the designation of Vice-Chairmen, as some Foreign Ministers were of the opinion that members of the Council should be of equal status, while others believed a hierarchy to be necessary. In addition, the Foreign Ministers agreed on the need to strengthen the arms embargo, undertake peace-enforcement measures and increase the financial resources for implementing the peace process.

9. The ECOWAS summit opened on 17 May with statements by the Head of State of Nigeria, General Sani Abacha, and the current Chairman of ECOWAS, President Jerry Rawlings of Ghana. General Abacha called on all concerned to reach the consensus needed to end the Liberian crisis, noting that his Government would support collective action towards that end. He also called for the strict implementation of the arms embargo. President Rawlings, in his address, focused on the need for harmonizing ECOWAS policies, noting that the individual agendas of ECOWAS States had undermined their combined efforts to bring the crisis to an end.

10. The Heads of State met together and, subsequently, General Abacha and President Rawlings met with each of the factions to review the recommendations made by the ECOWAS Foreign Ministers, particularly the designation of the Chairman and Vice-Chairmen of the Council of State. These consultations continued until 20 May. While the Liberian parties did not reach a final agreement on the composition of the Council of State, the Heads of State and Government observed that, in building on the gains made during the Accra consultations of January 1995, a substantial measure of agreement had emerged on nearly all the outstanding issues. They emphasized the need to preserve and consolidate those gains and requested the leaders of the Liberian parties to conduct the necessary consultations towards a definitive solution. The Heads of State entrusted the Ministers of the Committee of Nine with responsibility for reconvening a meeting of the Liberian parties within a short period, in order finally to resolve the outstanding issues.

11. My Special Envoy reported that it was evident from his discussions with the ECOWAS leaders and Liberian parties that the lack of harmonization between the policies of neighbouring States remained a significant obstacle to the peace process. Many felt that the Liberian people and combatants were tired of the war and that the peace process would be relatively easy to implement if the cooperation of the faction leaders could be secured. However, their deep mistrust of one another, perhaps influenced by external support, and an unwillingness to share power in governing the country, even under transitional arrangements, kept them from extending the necessary cooperation.

12. The ECOWAS leaders noted that, if and when agreement was secured, it would be imperative that the United Nations fully support the implementation of the peace process, not only by bringing UNOMIL back to full strength, but also by securing resources both for ECOMOG, including for its expansion, and for rebuilding the country.

13. The Heads of State and Government expressed their concern over the continued flow of arms into Liberia, in violation of the arms embargo. They reminded ECOWAS member States, as well as the international community at large, of their obligation to abide strictly by the arms embargo established by ECOWAS and the Security Council. They also called on Member States to bring all violations of the embargo to the attention of the sanctions committee established by the Security Council under resolution 985 (1995). In addition, they requested ECOMOG and UNOMIL to improve the existing monitoring mechanisms and appealed to the international community to provide logistical support to ECOWAS in order to facilitate the effective patrolling of Liberia's borders and stem the flow of arms into the country. They also stressed that the provision of adequate resources for ECOMOG would enhance its capacity to compel the armed factions to conform to ECOWAS decisions. The communiqué issued by the ECOWAS Heads of State and Government is attached as annex I.

14. At the invitation of the Government of Nigeria, Mr. Charles Taylor, the leader of NPFL and the only Liberian faction leader who did not attend the ECOWAS summit, travelled to Abuja on 2 June for consultations with Nigerian officials. These talks were reported to have been cordial and are expected to lead to a further meeting of the ECOWAS Foreign Ministers and the Liberian faction and political leaders. I shall report orally to the Security Council on any significant developments that may occur in this regard before the Council decides on the future mandate of UNOMIL.

III. MILITARY AND SECURITY ASPECTS

15. During the period under review, fighting continued between ULIMO-K and ULIMO-J in Grand Cape Mount and Bomi counties; between NPFL and ULIMO-K in Lofa county; between NPFL and ULIMO-J in Bong and Margibí counties; and between NPFL and LPC in Grand Bassa and Maryland counties. This resulted in a continued influx of displaced persons into the ECOMOG-controlled areas of Buchanan and Kakata (see map). Contending factions continued to block access routes into inhabited areas, resulting in the disruption of the delivery of relief supplies and unnecessary suffering of civilians.

16. As indicated in my last report, UNOMIL's military strength has been reduced to 70 unarmed military observers, including a medical staff of 7 (see annex II). During the reporting period, the Chief Military Observer of UNOMIL, Major General Daniel Opande (Kenya), completed his tour of duty and returned to national service.

17. Given the security situation in most of Liberia, the deployment of ECOMOG remains restricted to the central region and to some areas of the western region. In accordance with UNOMIL's concept of operation, United Nations military observers are codeployed with ECOMOG in Buchanan, Kakata and Monrovia.

18. Since September 1994, the renewed fighting between the factions and the continuing deadlock in the peace process have confined the activities of United Nations military observers to daily patrolling in Greater Monrovia and weekly patrols to Tubmanburg and Bo Waterside, verification of disarmament and investigation of reported cease-fire violations. UNOMIL also assists as

required, in facilitating logistics support for humanitarian assistance and access to areas controlled by the factions.

19. In March and April, a number of ambushes on civilian vehicles and fighting between the two wings of ULIMO threatened security along the Bomi and Kle Junction-Bo Waterside highways in the western region. ECOMOG issued an ultimatum to the ULIMO factions to withdraw their forces from the highways by 5 April 1995 and, subsequently, declared Tubmanburg, Bo, Tiene and Kle Junction safe havens. In late April, UNOMIL started to carry out regular patrols in Tubmanburg and Bo Waterside. However, on 12 May, fighting again broke out between ULIMO-K and ULIMO-J in the area. As a result, UNOMIL had to suspend its patrolling in Grand Cape Mount and Bomi counties.

20. The Cotonou agreement (S/26272, annex) assigned ECOMOG the primary responsibility for ensuring the implementation of its provisions. The agreement envisaged that UNOMIL would monitor the various implementation procedures in order to verify their impartial application. In UNOMIL's implementation plan dated 9 September 1993 (S/26422), I noted that UNOMIL would not be able to carry out its mandate successfully without the cooperation and support of ECOMOG. Every effort is being made to strengthen the working relationship with ECOMOG so that UNOMIL can more effectively carry out its military tasks. However, while ECOMOG and UNOMIL continue to enjoy close working relations, especially between the top levels of their command structures, the cooperation required for UNOMIL to carry out its task has not always been satisfactory at the working level.

21. UNOMIL military and civilian staff have, in the past, been obliged to abide by the 7 p.m. to 7 a.m. curfew set by ECOMOG. This restricts UNOMIL's ability to monitor certain aspects of the implementation of the peace process, especially the arms embargo. While my Special Representative has taken this issue up with the Force Commander, who has promised that ECOMOG will respect UNOMIL's freedom of movement, there have been cases when UNOMIL military and civilian staff have been stopped and harassed at ECOMOG checkpoints.

22. In accordance with the agreement regarding the respective roles and responsibilities of UNOMIL and ECOMOG in the implementation of the Cotonou agreement, ECOMOG was to provide security for UNOMIL observers and civilian staff. ECOMOG has not always been able, however, to provide the necessary security escorts, often for logistic reasons, thus limiting UNOMIL's ability to carry out its mandate.

23. The cooperation of the warring factions is also required for UNOMIL military observers to carry out their duties, especially the investigation of cease-fire violations. Efforts by UNOMIL to bring all relevant faction representatives to participate in the Cease-fire Violations Committee remain unsuccessful, since some factions have consistently declined invitations to such meetings.

24. Nor have the factions participated formally in the process of disarmament and demobilization since the breakdown of the cease-fire in September 1994. However, spontaneous, ad hoc disarmament of individual combatants has continued. Since the beginning of 1995, 190 such combatants have been disarmed and demobilized. While this process is carried out by ECOMOG, UNOMIL continues to

play a role in verifying it and in registering demobilized combatants and providing them with some food and clothing.

25. As mentioned in my last report, the Governments of both Uganda and the United Republic of Tanzania had indicated to me their intention to withdraw their contingents from ECOMOG. The repatriation of the Tanzanian contingent was completed during the second week of May 1995. The Government of Uganda has advised me of its decision to maintain its contingent in Liberia until further notice.

IV. HUMAN RIGHTS

26. Several towns have changed hands during the period under review, and there have been reports of human rights abuses as combatants move into or out of a particular area. In addition, there have been frequent attacks on and harassment of civilians and displaced persons in communities around Monrovia. In other safe havens, such as Buchanan and Kakata, combatants are sometimes seen carrying weapons, thus undermining the security which these areas are intended to provide.

27. UNOMIL's ability to document reported violations of international humanitarian law remains limited. However, after receiving reports of atrocities committed against civilians in Yorse village, about 25 miles south-east of Buchanan in an area contested between LPC and NPFL, UNOMIL tried to collect more information by visiting Buchanan on 13 April 1995. Only nine survivors, including five children, could be located. Three of the four adults and all the children had severe cutlass wounds. Sixty-two bodies were reportedly found in the town after the attack.

28. UNOMIL was also notified by displaced persons from the Royesville community area (about 10 miles north-east of Monrovia) of an incident that occurred there in early May. It was reported that, at the time of clashes between ULIMO-J and ULIMO-K in the area, civilians were killed, terrorized and raped. These incidents are a cause of deep concern. With the cooperation of ECOMOG and the factions, UNOMIL will, within its means, continue to document and report such allegations.

V. HUMANITARIAN SITUATION

29. Since my last report there has been some expansion of humanitarian assistance activities in Bomi and Cape Mount counties. However, in the areas around Gbarnga, Kakata and Bong Mines, where humanitarian needs assessments were completed in March and April, the factions have prevented the delivery of relief supplies.

30. The declaration in mid-April by ECOMOG that the areas around Bo Waterside, Tiene, Kle and Tubmanburg were "safe havens" resulted in the increased delivery of assistance to those areas. On 18 April, a World Food Programme (WFP) convoy dispatched from Monrovia reached Bo Waterside on the Sierra Leonean border. In addition, on 3 May, the United Nations Humanitarian Coordinator led an inter-

agency mission to determine the emergency needs of internally displaced persons in Tubmanburg. Steps are now being taken to meet those needs.

31. In the Gbarnga-Kakata area, WFP and the United Nations Children's Fund (UNICEF) noted the prevalence of malnutrition and the need for emergency sanitation, food, health and education assistance. These needs can be met only if the factions provide safe passage for relief supplies from Monrovia to the affected areas. Regrettably, they have failed to do so.

32. Similarly, the Bong Mines area is under the control of ULIMO-K, ULIMO-J and NPFL forces. These factions have denied humanitarian organizations safe passage to 20,000 needy people in the area. Consequently, relief supplies can be provided only by helicopter and in relatively small amounts. Talks on this issue between the United Nations Humanitarian Coordinator, UNOMIL, ECOMOG, NPFL and ULIMO-J did not yield the necessary results in terms of access and security. My Special Representative has since taken this matter up with the factions in order to gain their acceptance of the basic conditions required for relief organizations to operate.

33. Small-scale economic rehabilitation programmes have begun in Buchanan and Tubmanburg, including 39 quick-impact projects and 858 grants provided by the United Nations Development Programme (UNDP). These grants will also aid the reintegration of demobilized combatants who are the focus of special ongoing programmes, including food-for-work activities.

34. In late April, concerns relating to food security led to a demonstration by Sierra Leonean refugees and internally displaced persons in Monrovia and an attack on offices and vehicles of the Office of the United Nations High Commissioner for Refugees (UNHCR). United Nations agencies, in cooperation with the Liberian National Transitional Government, are trying to address, through public information campaigns, the fears among refugees that their food needs will not be met.

35. My Special Representative has convened a task force to formulate a comprehensive programme of disarmament, demobilization and reintegration of ex-combatants for the long term. This task force consists of representatives of UNOMIL, ECOMOG, the United Nations Humanitarian Coordinator, the Liberian National Transitional Government, donor Governments and non-governmental organizations.

36. The office of the Humanitarian Coordinator is developing a strategy for the delivery of humanitarian assistance that takes into account the above developments. The strategy is being prepared in collaboration with United Nations agencies in Liberia, national and international non-governmental organizations and local counterparts. Upon completion in August, the strategy will form the basis of a resource mobilization campaign for humanitarian activities in Liberia. The current United Nations consolidated inter-agency appeal for Liberia has received US$ 49 million of the total $65 million requested, most of it in support of food aid needs.

VI. FINANCIAL ASPECTS

37. As indicated in my report on the financing of UNOMIL (A/49/571/Add.2), which is currently before the General Assembly, the cost of maintaining the Mission beyond 30 June 1995 amounts to $1,421,200 gross ($1,323,900 net) per month. Therefore, should the Security Council decide to extend the mandate of the Mission, as recommended in paragraph 44 below, the cost of maintaining UNOMIL would remain within the monthly rate indicated above.

38. As of 31 May 1995, unpaid assessed contributions to the UNOMIL special account since the inception of the Mission amounted to $10 million. Total outstanding assessed contributions for all peace-keeping operations stood at $1,851 million as at 30 May 1995. In order to provide UNOMIL with the necessary cash flow, a loan of $2 million, which remains unpaid, has been made to the UNOMIL special account.

39. As at 7 June, voluntary contributions received by the United Nations Trust Fund for the Implementation of the Cotonou Agreement in Liberia amounted to $24 million, most of which was earmarked for the Tanzanian and Ugandan contingents. Disbursements of $20.1 million have been authorized. The difference between the amount received and that authorized reflects, inter alia, funds received for the repatriation of the Ugandan contingent of ECOMOG, which has been postponed until further notice (see para. 25 above).

40. In its resolution 985 (1995), the Security Council requested me to report on the status of contributions of financial and logistical resources from the international community in support of troops participating in ECOMOG. The amount referred to in paragraph 39 above includes an additional contribution to the Trust Fund since my last report of $700,600 from the United States of America. No other contribution was received or announced during the reporting period.

VII. OBSERVATIONS AND CONCLUSIONS

41. In my report of 24 February 1995 (S/1995/158), I set out, for the consideration of the Council, a number of options on the future role the United Nations could play in Liberia. I stated that, if the political stalemate were to continue, the Security Council might wish to consider either the withdrawal of UNOMIL or its conversion into a good offices mission, pending a clear demonstration by the parties of the political will necessary to reactivate the peace process. If, on the other hand, the parties were to demonstrate a clear willingness to fulfil their commitments and achieve peace, I stated that the Security Council might wish to consider either maintaining UNOMIL as originally mandated under resolution 866 (1993) or the establishment, subject to the consent of the Liberian National Transitional Government and in cooperation with ECOWAS, of a United Nations peace-keeping force. I also noted that the viability of maintaining UNOMIL as originally mandated would depend, inter alia, on the availability of adequate logistical and financial support for ECOMOG, as well as on the effective implementation of the arms embargo.

42. In my report of 10 April (S/1995/279), I noted that the proposed ECOWAS summit offered a possibility for reactivating the peace process and for achieving concrete results by harmonizing the policies of ECOWAS member States and installing the Council of State. I therefore recommended that the Security Council extend UNOMIL's mandate until 30 June in order to allow sufficient time for ECOWAS to convene the summit and, in the hope that the parties would finally decide to cooperate fully with the ongoing efforts of ECOWAS and the international community, to restore peace in Liberia. I urged the parties to use this period to install the Council of State, re-establish an effective cease-fire and take concrete steps towards the implementation of the other provisions of the Accra agreement.

43. Although the ECOWAS summit has been held, none of the steps that I had asked the Liberian parties to implement during the reporting period has been achieved. It could therefore be argued that the Security Council should now consider the options outlined in my report of 24 February. However, the ECOWAS Heads of State have noted that, in Abuja, a substantial measure of agreement emerged among the factions on nearly all the issues that remain unresolved concerning the installation of the Council of State. As noted earlier, the factions are also expected to meet shortly to reach final agreement on these issues. In addition, the recent visit of the head of NPFL, Mr. Charles Taylor, to Nigeria and his meetings with senior officials there, including the Head of State, General Sani Abacha, may help build the confidence necessary for the implementation of the peace process.

44. In view of these developments, and bearing in mind the options set out in my report of 24 February, I recommend that the Security Council extend the mandate of UNOMIL for a period of three months, until 30 September 1995. I hope that during this period the parties will reach agreement on the outstanding issues, as called for by ECOWAS, and that they will demonstrate, through concrete steps, the political will necessary to bring the long standing Liberian crisis to an end. These steps would include the installation and functioning of the Council of State; a comprehensive cease-fire; the disengagement of forces; and an agreed timetable and schedule for the implementation of other aspects of their agreements, in particular the disarmament process.

45. In the event that the political stalemate continues and the steps mentioned above have not been implemented by the end of the three-month period, UNOMIL would, subject to the consent of the Security Council, be terminated on 30 September 1995 and converted into a good offices mission, including a small military cell, which would maintain liaison with ECOMOG. During this period, I would withdraw those UNOMIL military observers who, in the absence of a cease-fire and the resumption of disarmament, may be unable to perform their monitoring functions effectively. I would also consult with ECOWAS on the modalities of the good offices role of the United Nations and make appropriate recommendations to the Council in this regard.

46. If, on the other hand, there is significant progress over the next three months, especially regarding the steps mentioned in paragraph 44 above, I would recommend that the Security Council then consider restoring UNOMIL to its full strength. It is evident, however, that UNOMIL's role in Liberia and its relationship with ECOMOG would have to be adjusted to enable these two

operations to carry out their respective functions more effectively. As I noted in the implementation plan for UNOMIL (S/26422), the deployment of the parallel operations of ECOWAS and the United Nations in Liberia broke fresh ground in the field of peace-keeping. Since the establishment of UNOMIL on 22 September 1993, a number of lessons have been learned. In the light of these lessons and of the additional role that the Akosombo agreement called on the United Nations to play in the peace process, it would be my intention, during the next three months, to consult ECOWAS with a view to enhancing cooperation between UNOMIL and ECOMOG and defining a joint concept of operations. I would submit the necessary recommendations to the Council before 30 September 1995.

47. After five years of civil war, the sustained efforts of ECOWAS and the contribution that the United Nations has provided to the peace process over the past 22 months, I find it regrettable that the Liberian political and factional leaders have still not laid down their arms for the greater good of their country. The international community has given the Liberian parties many chances to implement the various agreements which they themselves have signed. But the resources of ECOWAS States and of the international community are not infinite. I call, once again, on the Liberian faction leaders to do all they can to give peace a chance, to save innocent civilians from death and suffering, and to avoid the continuing destruction of Liberia as a result of their inability to settle their differences.

Annex I

Final communiqué dated 20 May 1995 of the Third Meeting of Heads of State and Government of the Committee of Nine on Liberia of the Economic Community of West African States

1. The Heads of State and Government of the ECOWAS Committee of Nine on Liberia held its Third Session at the ECOWAS Secretariat in Abuja, Federal Capital of Nigeria, from 17 to 20 May 1995 under the Chairmanship of His Excellency Flt. Lt. Jerry John Rawlings, President of the Republic of Ghana and Chairman of the Authority of Heads of State and Government of ECOWAS. The Heads of State and Government deliberated on the measures for putting back on track and accelerating the Liberian peace process.

2. Present at the session were the following Heads of State and Government or their duly accredited representatives:

- His Excellency Konan Bedie
  President of Côte d'Ivoire

- His Excellency Captain Yahya A. J. J. Jammeh
  Chairman of the Armed Forces Provisional Ruling Council and Head of State of the Republic of the Gambia

- His Excellency Flt. Lt. Jerry John Rawlings
  President of the Republic of Ghana

- His Excellency David Kpomakpor
  Chairman of Council of State of Liberia

- His Excellency Alpha Oumar Konare
  President of the Republic of Mali

- His Excellency General Sani Abacha
  Head of State and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria

- His Excellency Captain Valentine E. M. Strasser
  Chairman, Supreme Council of State of the National Provisional Ruling Council and Head of State of the Republic of Sierra Leone

- His Excellency General Gnassingbe Eyadema
  President of the Togolese Republic

- Hon. Desire Viera
  Senior Minister at the Presidency, responsible for Governmental Affairs and National Defence
  Representing the President of the Republic of Benin

- Hon. Ablasse Ouedraogo
  Minister of Foreign Affairs
  Representing the Head of State of Burkina Faso

- Hon. Kozo Zoumanigui
  Minister of Foreign Affairs
  Representing the President of the Republic of Guinea

- Hon. Mrs. D. Musuleng Cooper
  Minister of Foreign Affairs
  Representing the Liberian National Transitional Government of the Republic of Liberia

- Hon. Massokhna Kane
  Minister of African Economic Integration
  Representing the President of the Republic of Senegal

3. Also in attendance were:

- The Special Representative of the United Nations Secretary-General

- The Eminent Person of the Organization of African Unity for Liberia

- The United States Special Envoy for Liberia

4. The Heads of State and Government reviewed developments concerning the Liberian crisis since their last meeting in August 1994. The Heads of State and Government commended the President of Ghana and current Chairman of ECOWAS, His Excellency Flt. Lt. Jerry John Rawlings, for the efforts he has relentlessly made since the signing of the Akosombo and Accra agreements to resolve the Liberian crisis in concert with all the key players.

5. The Heads of State and Government deliberated on the sensitive issues that militated against the restoration of permanent and durable peace in Liberia. They identified and examined all facets of the problems relating to these issues, particularly the composition of the Council of State, its Chairmanship, the designation of its officers and the permanent and temporary succession to the Chairmanship of the Council.

6. The Heads of State and Government welcomed the spirit of accommodation demonstrated by all the Liberian parties. They also congratulated them for their disposition to advance substantially the peace process as demonstrated in their representations to the Heads of State and Government. The Heads of State and Government observed that building on the gains made at the Accra summit in January 1995, a substantial measure of agreement had emerged among the parties on nearly all the issues that had remained unresolved. They emphasized the need to preserve and consolidate these gains and requested the leaders of the Liberian parties to engage their principals and constituencies in consultations on this last phase towards final resolution. The Liberian parties were informed to hold themselves in readiness to reconvene within a short period to sign a supplementary agreement on all remaining issues involved.

7. With regard to arms control, the Heads of State and Government noted with concern the continued flow of arms into Liberia. In this connection, they recalled the ECOWAS decision and United Nations Security Council resolution 788 (1992), which placed an embargo on all deliveries of arms, ammunition and military equipment to Liberia. They stressed that all ECOWAS member States and the rest of the international community were under obligation to abide strictly by the embargo. They also expressed the wish that Member States would bring all instances of violation of the arms embargo before the United Nations sanctions committee.

The Heads of State and Government launched an appeal to the international community and in particular to the United States of America, to assist ECOWAS in the provision of logistics to facilitate the effective patrolling of the land and sea borders of Liberia in order to stem the flow of arms into that country. They requested the Force Commander of ECOMOG and the UNOMIL Representative to reactivate and improve the monitoring mechanism established earlier by ECOWAS.

8. On the imposition of a cease-fire, the Heads of State and Government stressed that the Council of State could not be set up unless the factions showed a greater degree of commitment to the observance of the cease-fire and disarmament of combatants. They endorsed the schedule of implementation annexed to the Accra agreement, and renewed the appeal to ECOWAS member States, OAU, the United Nations and all friends of the West African region to contribute troops, material and money substantially to ECOMOG and thereby ensure the success of the disarmament exercise in Liberia. They stressed that the provision of adequate resources for ECOMOG would enhance its capacity to compel the armed factions to conform to ECOWAS decisions.

9. The Heads of State and Government commended the troop-contributing countries on the enormous physical and material sacrifices they had made so far in pursuance of the objectives of ECOWAS in Liberia.

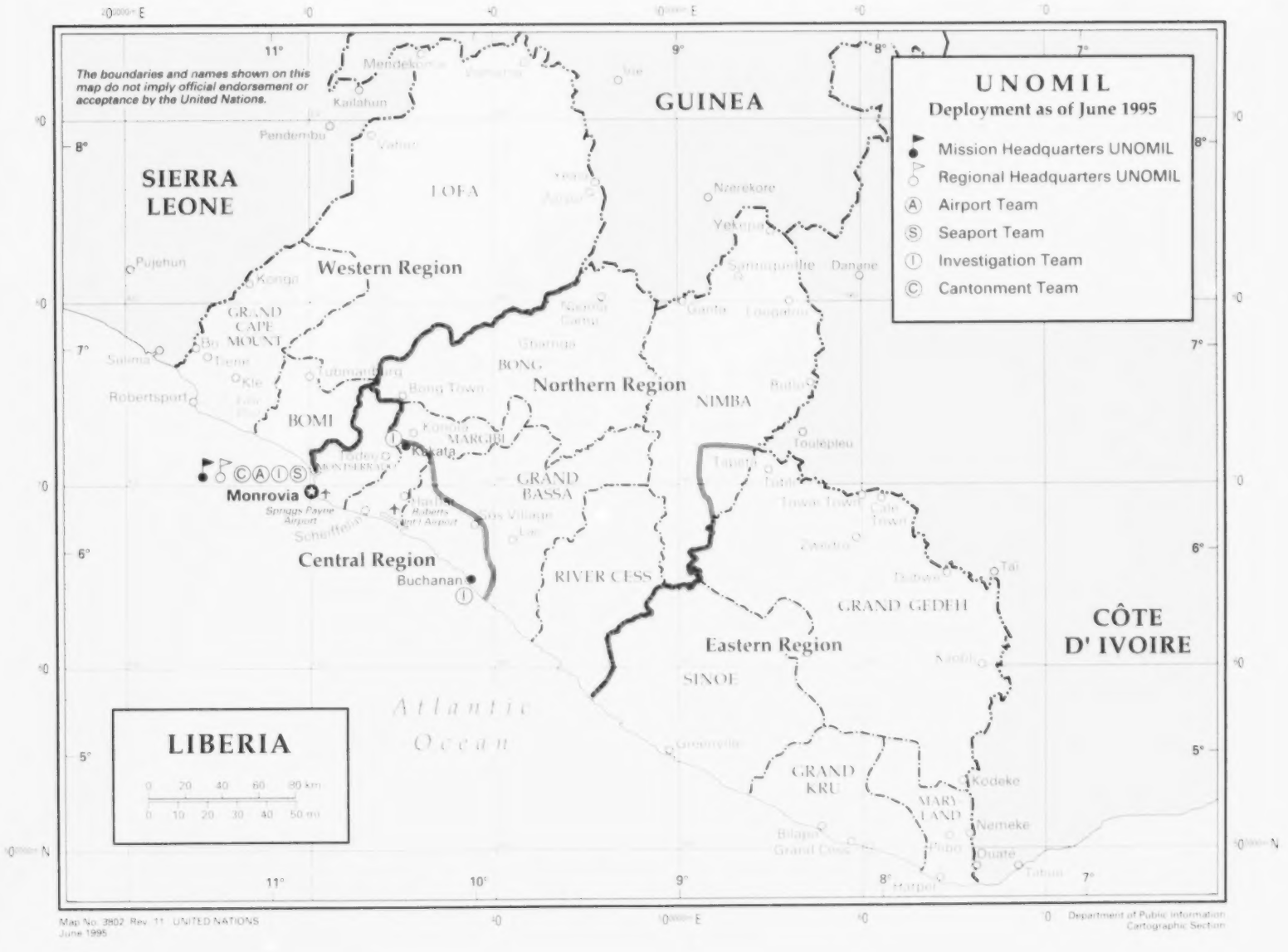
They expressed their gratitude to OAU and the United Nations for their role in the search for peace in Liberia.

10. At the end of their deliberations, the Heads of State and Government expressed their sincere appreciation and gratitude to His Excellency General Sani Abacha, Head of State and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria, and to the Government and people of Nigeria for the warm hospitality extended to them during their stay in Abuja.

Annex II

Composition of military component of UNOMIL as at 5 June 1995

	Observers	Others	Total
Bangladesh	6	7	13
China	5		5
Czech Republic	6		6
Egypt	3		3
Guinea-Bissau	3		3
India	4		4
Jordan	8		8
Kenya	9		9
Malaysia	8		8
Pakistan	8		8
Uruguay	3	—	3
Total	63	7	70



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